HISTORY

OF

CLERICAL CELIBACY

IN

WESTERN EUROPE

TO THE COUNCIL OF TRENT

BY

EARL EVELYN SPERRY, PH.D.

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PREFACE.

The purpose of this thesis is to state with clearness and brevity the essential facts concerning the origin of clerical celibacy, its development and effects in western Europe to the time of the Council of Trent, and to present such extracts from the sources as are of special interest and importance in the history of this subject. Mr. Henry C. Lea's "Historical Sketch of Sacerdotal Celibacy in the Christian Church" has been used as a guide throughout, and in exhaustiveness and scholarship stands alone among the works upon the subject.

E. E. SPERRY.

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INTRODUCTORY NOTE.

At the outset it may be well to warn the reader that in forming an opinion concerning clerical morality there are certain important facts which should be kept constantly in mind. The written evidence upon the subject which has been preserved seems to indicate that during the middle ages and the opening centuries of the modern period the clergy as a class were very immoral. It must be remembered, however, that the period of time under discussion extends from the fourth to the sixteenth century, and while the sources of information are comparatively abundant, it is unreasonable to suppose that they adequately represent the clergy of all Europe for more than a millennium. Further, these sources consist largely of conciliar enactments and of the utterances of those engaged in reform. It is evident that they must be used with caution, for a future student who judged the nineteenth century only by its codes of criminal law and the denunciatory writings of social reformers would obtain a grotesque idea of its morality.

And although the principal sources consist of the writings of the friends of the church they must not be given full credence,[1] because their authors were in the habit of resorting to a species of

[1] To illustrate: Peter of Blois, who had vainly endeavored to compel the clergy of his English benefice to obey the rule of celibacy, wrote thus to Innocent III. concerning them: Ipsi vero publice et aperte fornicantes prædicebant, sicut Sodoma peccatum suum, et in palpebris popularis infamiæ ducebant uxores, alter alterius filiam, sive neptem, tantaque erat cognationis connexio inter eos ut colligationes impietatis eorum nemo dissoluere prævaleret. . . . Erant enim quasi squamæ Behemoth, quarum una uni coniungitur, et spiraculum vitæ non incedit per eas. Terra proinde clamabat adversus eas, et cæli revelebant iniquitates eorum. Exactissima diligentia laborabam vitiorum in eis propagines venenosos excidere, sed facilius converterem lupos in oves, et feras in homines. Petri Blesensis, Ep. 152. Bib. Max. Pat. 24, 1064. Yet the only specific charge which Peter brings against these men of whom he uses such strong terms of objurgation is that they were married.

rhetorical denunciation in which gross exaggeration was an essential concomitant.

And another consideration must be reckoned with when weighing the statements of mediæval churchmen concerning clerical morality. As priests were not only forbidden to marry, but early in the twelfth century were declared incapable of contracting a valid marriage, those who dwelt with women conjugally were adulterers in the eyes of the church and were so described in canons, decretals and the writings of the time. Similarly, the word concubine was applied to the women who were in reality the wives of ecclesiastics, often, no doubt, their legal wives, and if not, at least what are now known as common-law wives. Jacob Wimpheling, under the caption, "Concerning the Blindness of concubinary Priests," thus describes them: "They think less of their parents and friends than of their concubines, dwelling with them to the end of their lives as if true and legitimate spouses. They allow them the full control of their households so that the other members of the family must obey. They dress them expensively and esteem them as highly as their mothers and sisters. And, posterity will scarcely believe it, when pregnant, the women are not ejected from the house, but allowed to be confined there. After the birth a festival is held as is the custom with laymen. The sons and daughters are provided with dowries and given in marriage with magnificent weddings at which the fathers themselves are present."[1] Although Wimpheling here stigmatizes the consorts of the priests as concubines, and in a preceding passage as harlots, he evidently is describing women who were treated in all respects as wives, save that the legal forms of marriage had been sometimes omitted.

Admitting, however, that a certain degree of immorality was common among the mediæval clergy, it cannot be shown to what extent celibacy was the cause. It was usual to assume that it was the chief cause, and, of course, *a priori* reasoning leads to

[1] Apologia, 13.

that conclusion. But during the periods of greatest debasement of clerical morality are to be found frequent statements that the clergy generally married. If these are true, one of two conclusions is inevitable: either celibacy was not the sole cause of ecclesiastical immorality, or the marriages of the clergy were denounced as licentious relations by contemporary writers. There are cogent reasons for believing that the latter alternative is the truth and that the terrific denunciations of sacerdotal morality were written by men who formed their judgment by an artificial standard.

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Clerical Celibacy in Western Europe

to the Council of Trent

The New Testament affords little information concerning marriage among the ministers of the Apostolic church. Whether or not all the Apostles were married cannot be determined, there being an incidental reference to the wife of Peter alone.[1] It is certain, however, that clerical marriage was not viewed with disapprobation in that period, for St. Paul has left descriptions of an ideal bishop, elder and deacon in which he mentions as a qualification conducive to their efficiency that they should be husbands of one wife, ruling their children well.[2]

Concerning marriage in general, the words of Christ show that he regarded it as the most sacred and indissoluble of human relations,[3] and St. Paul considered it an institution salutary in its effect upon the individual and society.[4] That the founders of the Christian church not only approved of marriage, but resisted any attempt to bring it into disrepute, is shown by St. Paul's prophecy concerning the heresies which were to afflict the church, among which he included the prohibition to marry.[5]

But contemporary with the belief that wedlock was a beneficent institution, and, as a rule, necessary to moral uprightness, was a tendency to exalt virginity. Christ himself intimated that those who refrained from marriage were superior in moral worth to all others, and while admitting that all natures were not capable of such restraint, recommended that those who had sufficient self-

[1] Matt. 8, 14.

[2] I Tim. 3, 2, 4. I Tim. 3, 12. Titus 1, 6.

[3] Matt. 19, 4, sqq.

[4] 1 Cor. 7, 2.

[5] Now the spirit speaketh expressly that in the latter times some shall depart from the faith, giving heed to seducing spirits and doctrines of devils. . . . Forbidding to marry and commanding to abstain from meats.—I Tim. 4, 1, 3.

control should remain celibates.[1] St. Paul, although he approved of, and encouraged matrimony,[2] shared the conviction that it was a less holy state than virginity;[3] and St. John in his description of the redeemed says of them: "These are they which were not defiled with women; for they are virgins."[4]

With the belief that virginity was the condition of life most pleasing to God and a proof of the highest moral character was another motive for abstaining from marriage. It was the conviction that celibacy enabled the Christian to give his undivided attention to the service of God and preparation for the life to come. This reason was set forth clearly by St. Paul in the words, "He that is unmarried careth for the things that belong to the Lord, how he may please the Lord. But he that is married careth for the things that are of the world, how he may please his wife."[5]

Whatever beliefs concerning celibacy the early Christians may have obtained from the Scriptures were re-enforced by similar doctrines which permeated the religious thought of that period. During the first three centuries of the Christian era there swept over the countries lying to the east and southeast of Europe an enthusiasm for virginity similar to that for poverty which, in the thirteenth century, spread through western Europe. This passion for the abnegation of man's physical nature became the source of numerous sects which made condemnation of marriage a principal tenet of their faith.[6] Their zeal influenced the adherents of the new Christian religion, although the precepts of its founder did not enjoin celibacy, or even recommend that it should be practiced, and the authorities of the church were compelled to make a

[1] Matt. 19, 11, 12.

[2] 1 Cor. 7, 2. 1 Cor. 7, 9. See also 1 Cor. 7, 28.

[3] 1 Cor. 7, 1, 8.

[4] Rev. 14, 4.

[5] 1 Cor. 7, 32, 33.

[6] Stromatum of Clement of Alexandria. Patrologiæ, Series Græca, 8, 1147 sqq., 1206 sqq. Epiphanius, adversus Hæreses, Ib. 41, 1011.

vigorous resistance to usages which at that period were thought the indices of the best type of a religious nature.[1]

Thus the great churchmen of the first centuries of the Christian era were within the influence of a powerful sentiment which exalted virginity; and at the same time, in Christ's preference for it, they could find an orthodox warrant for yielding to whatever inclination they might have to follow the impulses then common to religious natures. With these forces acting upon them, they decried matrimony in their voluminous writings which became the foundation of Roman Catholic doctrine, and recommended celibacy as a condition of life for Christians more holy and fitting than wedlock. Their predominant motive was probably the feeling that virginity was superior even to the most natural and moderate self-indulgence. The reasons which they adduce to prevail upon Christians to lead celibate lives vary from their own bare assertions that it is the holiest condition[2] to the argument that those so living will be free from the cares and vexations of marriage.[3] The self-denial requisite to such a life was declared to be an infallible means of obtaining salvation and a proof of supreme moral worth, surpassed only by martyrdom.[4] That the subject held an important place in the religious thought of that age is shown by the numerous treatises upon it; and the efforts made in them to ascertain the relative merits of virginity and marriage

[1] Si quis cum sit clericus, seipsum mutilaverit, deponatur; est enim sui homicida. Canones Apostolorum, c. 22. Acta conciliorum, Harduin, 1, 14.

Con. Nicen. Ib. 1, 324.

Con. Arl. 2. c. 7. Ib. 2, 773.

[2] Antiquitus autem necdum homo perfectus erat: ac ideo virginitatem (rem utique perfectam) capere necdum poterat. Methodius, Convivium decem virginum, cap. 4. Pat. Gr. 18, 43.

[3] Hieronymus, Ep. ad Eustochium. Patrologiæ, Series Latina 22, 409.

[4] Totum fundamentum etenim sanctitatis atque justitiæ etiam castitatem esse dubitare non poterit, quisquis divinæ legis exempla tota intentus mente perspexit. Liber de castitate ascribed to Sixtus III. Magnum Bibliotheca Patrum, 5, 631.

Cyprian, De habitu virginum. Pat. Lt. 4, 460–467.

Epiphanius, Expositio fidei, Cap. 21. Pat. Gr. 42, 823.

usually result in showing the latter to be an incomparably less honorable condition.[1] The basis of these exhortations and injunctions to refrain from marriage was the teaching of Christ that carnal propensities must be overcome; a natural conclusion being that any relationship favorable to their gratification was, to some degree, evil. While St. Augustine was filled with the same fervent admiration for virginity to which St. Jerome gave expression, his *Liber de Continentia* contains no extravagant praises of continence. He recognized the naturalness and necessity of marriage and the difficulty of perfect self-restraint, although at the same time he considered the latter far superior.[2]

But the laudations of celibacy by the church fathers and the example of their rigidly ascetic lives were without immediate effect upon clerical discipline. As neither Christ nor the Apostles had enjoined celibacy upon any part of the Christian body, its advocates lacked the powerful support which direct Scriptural command would have given them; and being in opposition to a universal and necessary institution, it was inevitable that the adoption of celibacy by the clergy would be slow. The frequent references to the marriage of Christian ministers which are found in the writings and conciliar enactments of the first 300 years A. D.

[1] Et qui, inquit, hortaris matrimonium non contrahere? Quod virginitatem matrimonio longe præstantiorem sentiam. S. Chrysostomus, Liber de Virginitate, cap. 9. Pat. Gr. 48, 539.

Ergo hæc laus virginitatis egregia est, ut scilicet statuat quis virtutem ipsam omni esse laude præstantiorem . . . S. Gregorius Nysseni. Liber de Virginitate, cap. 1. Pat. Gr. 46, 322.

Laudo nuptias, laudo coniugium, sed quia mihi virginem generant . . . S. Hieronymus, Ep. ad Eustochium. Pat. Lt. 22, 406.

. . . et illi qui coniugia virginitati æquanda æstimant, miseri penitus et stulti sunt. Sulpicius Severus, Dialogus 2. Pat. Lt. 20, 208.

Centesimum episcopi et doctores qui omnibus omnia sunt, sexigesimum clerici et viduæ qui continentes sunt, tricesimum laici qui fideles sunt, qui perfecte Trinitatem credunt. His amplius non est in messe Domini. Monachi vero et virgines cum centesimis jungimus. Synodus S. Patricii, can. 18, Harduin 1, 1795.

[2] S. Augustinus, De Bono Conjugali, cap. 9. Pat. Lt. 40, 380–381. See also Liber de Continentia, cap. 1. Pat. Lt. 40, 349, 357.

indicate that it continued to be the custom.[1] In the Apostolic Canons and Constitutions, two of the chief sources of information concerning the discipline of the early church, is found similar evidence. The Constitutions, apparently attempting to defend marriage from the opprobrium poured upon it, expressly declare that it is pure and honorable.[2] In prescribing the qualifications of candidates for the office of bishop, the Constitutions direct that it be ascertained whether or not they are the husbands of modest wives,[3] and it is strongly recommended that no one should be chosen as bishop, priest or deacon who had married more than once.[4] The Canons go even further and threaten with deposition all ecclesiastics who dismiss their wives upon religious pretexts,[5] and with expulsion from the church, all who abstain from marriage as an abomination.[6]

In the early years of the fourth century marriage still prevailed among the members of the clerical class. Athanasius, Bishop of Constantinople, in a letter to Dracontius, an Egyptian monk, urging him to become a priest, states that while some bishops did not marry, yet celibacy was not the custom.[7] That a continuation of marriage relations after ordination was still permitted by the highest laws of the church is proved by the attempts of the advocates of clerical celibacy in the Council of Nicæa to make

[1] S. Polycarpus, Epistolæ ad Philippenses, Ep. 11. Pat. Gr. 5, 1013.

Eusebius, Church History, Bk. 4. Ch. 23. Nicene and Post-Nicene Fathers, 1, 201.

Clement. Alex. Stromatum, Lib. 3, cap. 12. Pat. Gr. 8, 1187.

[2] Nuptiæ, igitur, honoratæ et honestæ sunt, et generatio filiorum pura. . . . Constitutiones Apostolorum, Lib. 6, cap. 27. Mansi 1, 482.

[3] Con. Apost. Lib. 2, cap. 2. Mansi 1, 287.

[4] Ib. 1, 462.

[5] Can. Apost. c. 5, Harduin 1, 11.

[6] Si quis episcopus, presbyter, vel diaconus, vel omnino ex sacerdotali numero, a nuptiis, carnibus et vino, non propter exercitationem sed propter abominationem abstinet, oblitus quod omnia valde bona, et quod masculinum et femininum fecit Deus hominem ; . . . vel corrigatur, vel deponatur, et ex ecclesia ejiciatur.—Can. Apost. c. 50, Harduin 1, 22.

[7] S. Athanasius, Ep. ad Dracontium. Pat. Gr. 25, 534.

it obligatory and the defeat of their proposal by the Council.[1] The Council of Gangra (362) found it necessary to declare anathema all who refused to accept the sacraments from married priests or distinguished them in any way from the unmarried.[2]

But while the clergy were allowed to take wives, their marriage had been under restriction from Apostolic times. The command of St. Paul that the preachers of the Gospel should not marry a second time[3] was the beginning of a series of church decrees which ultimately went to the length of prohibiting all marriage to the clergy. The prohibition was repeated in the Apostolic Constitutions,[4] and in both the Apostolic Canons and Constitutions is the further prohibition, likewise having Scriptural warrant, that the husband of a widow, or of a divorced or meretricious woman should not be admitted to the clergy.[5] Both collections of canons also contain a provision, which, having no Biblical foundation, is

[1] While they were deliberating about this, some thought that a law ought to be passed enacting that bishops and presbyters, deacons and subdeacons should hold no intercourse with the wife they had espoused before they entered the priesthood; but Paphnutius, the confessor, stood up and testified against this proposition; he said that marriage was honorable and chaste, and that cohabitation with their own wives was chastity, and advised the synod not to frame such a law, for it would be difficult to bear, and might serve as an occasion of incontinence to them and their wives; and he reminded them, that according to the ancient tradition of the church, those who were unmarried when they took part in the communion of sacred orders, were required to remain so, but that those who were married were not to put away their wives. Sozomen's Ecclesiastical History, Bk. 1, Ch. 23. Nicene and Post-Nicene Fathers, 2, 256. Cf. Socrates' Ecclesiastical History, Bk. 1, Ch. 11. Ib. 18.

[2] Quicumque discernit a presbytero qui uxorem habuit, quod non oporteat eo ministrante de oblatione percipere, anathema sit. Con. Gangrense, (362) c. 4. Harduin 1, 534.

That celibacy was not originally an obligation of church discipline was admitted by the highest mediæval authority upon canon law and apparently was a fact of common knowledge among educated men throughout the Middle Ages. Corpus Juris Canonici, Dist. 56, c. 13. Giraldus Cambrensis, Gemma Ecclesiæ, Dist. 2, cap. 6. Rev. Brit. Med. Aev. Scr. 21, Pt. 2, 187.

[3] 1 Tim. 3, 2.

[4] Con. Apost. Lib. 6; cap. 17. Mansi, 1, 462.

[5] Can. Apost. c. 18. Harduin 1, 34–35.
Con. Apost. Lib. 6, cap. 17. Mansi, 1, 462–63.

an innovation in church discipline, and a long advance toward the culmination of this series of laws. It is the command that after consecration bishops, priests and deacons should not marry, but that chanters and lectors might do so if they chose.[1] It was also ordained that no one could officiate as bishop, priest or deacon who had taken a second wife after baptism.[2]

At the close of the third century, therefore, both custom and ecclesiastical law forbade marriage after ordination except to chanters and lectors; and the canons positively prohibited the ordination of a man twice married after baptism, but allowed the ordination of men once married, and did not demand a discontinuance of marital relations after ordination. The explanation of the seeming inconsistency of the rules allowing those in orders to retain their wives, while forbidding those who were unmarried at the time of ordination to take wives, is probably that the lawmakers of the church felt that ordination could not annul obligations already assumed, though incompatible with the highest ideals of the Christian ministry; but that when once holy orders were taken, the ecclesiastic was bound to maintain as nearly as possible the ideal purity suitable to his position.[3]

[1] Can. Apost. c. 27. Harduin 1, 35. Con. Apost. Lib. 6, cap. 17. Mansi 1, 462–63.

A similar canon was passed by the Council of Neocesarea (c. 315). Harduin 1, 281.

So early as the date of the Council of Nicæa (325), it evidently had long been the custom that bishops, priests and deacons should not marry after ordination, for Paphnutius, in debating the proposal already mentioned, (page 6, note 1) referred to clerical marriage in the following way: "It would be sufficient," he thought, "that such as had previously entered on their sacred calling should abjure matrimony, according to the ancient tradition of the church; but that none should be separated from her to whom, while yet unordained, he had been united." Socrates, Bk. 1, Ch. 11. Nicene and Post-Nicene Fathers, 2, 18.

[2] Can. Apost. c. 18. Harduin 1, 34.

[3] Sacerdotum enim tam excellens est electio, ut hæc quæ in aliis ecclesiæ membris non vocantur ad culpam, in illis tamen habeantur illicita. Leonis Papæ Epistolæ Decretales. Harduin 1, 1767. Id de sacerdotibus primo in loco statutum est; de episcopis, presbyteris et diaconibus, quos sacrificiis divinis necesse est interesse; per quorum manus et gratia baptismatis traditur, et corpus

Although ecclesiastical laws at the end of the third century indicate uniformity of custom throughout Christendom in regard to clerical marriage, the opening of the fourth century saw an effort toward its further restriction in the west. The Spanish Council of Elvira (306) decreed that bishops, priests and deacons should discontinue conjugal relations.[1] The canon was merely an expression of the authority of the local clergy and was not of force beyond the dioceses of the nineteen bishops who made up the Council, but it is the first decree proceeding from ecclesiastical authority that the members of these three orders should abstain from their wives. In the east contemporary legislation was even less stringent than the tradition of the third century, for it permitted unmarried deacons who did not take a vow of celibacy at ordination to marry afterward if they chose.[2] But these canons, like those of Elvira, were merely local in effect and the only authoritative enactments of these decades binding upon the whole church were those of the General Council of Nicæa (325). This council took no action in regard to the preservation of continence by the married clergy, but trustworthy records of its proceedings state that an attempt was made to impose the rule upon them and that the attempt was defeated through the efforts of Paphnutius, an Egyptian bishop, and himself a celibate.[3]

During the next sixty years there are no records of formal action upon clerical marriage by council or synod. But in 385 Siricius, Bishop of Rome, in reply to the Bishop of Tarragona, who had asked the late Roman bishop, Damasus, for aid in com-

Christi conficitur ; quos non solum nos, sed et scriptura divina compellit esse castissimos. Canones Synod. Romanorum ad Gallos Episcopos (c. 384), c. 3. Harduin 1, 1034.

[1] Placuit in totum prohiberi episcopis, presbyteris, ac diaconibus, vel omnibus clericis positis in ministerio, abstinere se ab conjugibus suis, et non generare filios ; quicumque vero fecerit ab honore clericatus exterminetur. Con. Elib. (306), c. 33. Harduin 1, 253.

[2] Con. Ancyra (c. 314), c. 10. Harduin 1, 276.

[3] See p. 6, note 1. For a discussion of the authenticity of the story of Paphnutius, see Lea, p. 50 sqq. Hefele, Conciliengeschichte 1, 431–5.

pelling his clergy to obey the canon of Elvira, issued a decretal in which he commanded, though not in express terms, that the ordained clergy should cease conjugal relations.[1] The decretal threatens with deposition from office all who knowingly disobey and with incapability of promotion those who disobey through ignorance.[2] The letter gives no reason for imposing the rule of perfect continence except the greater purity of the church[3] and shows that the Spanish clergy in opposing the enforcement of the canon of Elvira, had based their right to marry on the permission given in Leviticus to the Hebrew priests.[4]

Though the issue of a positive command by Siricius indicates that he thought there was a prospect that his effort would find some support among the bishops of the local churches, there are few facts from which to form a conclusion as to what the customs of the various dioceses were. They probably varied, with the clergy of the east usually retaining their wives after ordination, and those of the west, particularly the members of the higher orders sometimes separating from them. Socrates, referring to the eastern church, states that the abstinence of married bishops from their wives was optional and that many became fathers.[5] The canon of the Council of Gangra (362) anathematizing those who refused the ministrations of a married priest, also indicates that in the East the clergy often continued matrimonial relations unbroken.[6]

[1] Quorum sanctionum sacerdotes omnes atque Levitæ insolubili lege con stringimur ; ut a die ordinationis nostræ, sobrietati ac pudicitiæ et corda nostra mancipemus et corpora, dummodo per omnia Deo nostro in his, quæ cotidie offerimus, sacrificiis placeamus. Syricii Ep. Harduin 1, 849. From the context of this passage it is evident that by "sobrietas ac pudicitia" Siricius meant perfect continence.

[2] Ib.

[3] . . . ut in die judicii, cum rursus advenerit, sine macula et ruga eam possit, sicut per Apostolum suum instituit, reperire. Ib.

[4] Ib. The passage of Leviticus referred to is 21, 14.

[5] Socrates, Ecclesiastical History, Bk. 5, Ch. 22. Nicene and Post-Nicene Fathers 2, 132.

[6] See p. 6, note 2.

Thus, in the fourth century the advance in legislation concerning ecclesiastical marriage had been the canon of the Council of Elivra (306) and the decretal of Siricius. Several tendencies and conditions of the fourth and fifth centuries were favorable to their enforcement. The authority of the Bishop of Rome, now exerted in behalf of celibacy, was expanding and growing more potent. The hierarchy was becoming more thoroughly organized and hence more easily disciplined. Christianity had been made the religion of the state and the sanctions of the civil authority added to its commands. The writings of the great churchmen inculcating and recommending virginity were in course of production. Monasticism was spreading, and offered its example of the severest self-mortification, with the powerful influence of its devotees. With these forces in coöperation, the success of the struggle for a celibate clergy was assured.[1]

Stimulated by the decretal of Siricius, the bishops of western Europe soon began the attempt to force their married clergy to preserve continence. Probably owing to the enthusiasm and influence of St. Augustine, the first efforts were made in Africa. The Council of Carthage (390) enacted a canon directed against the married clergy of the major orders, and, by the decree that all who were concerned in the administration of the sacraments should likewise preserve continence, extended the rule to those in minor orders who served at the altar.[2] But it was not until the next Council of Carthage (401) that a penalty was imposed for disobedience. This council decreed that bishops, priests and deacons, in accordance with the former statutes, live continently with their wives, disobedience to be punished by removal from office.[3]

[1] Le Celibat Ecclesiastique, Bocquet, p. 109.

[2] Con. Carth. (390), c. 2. Harduin 1, 951.

This principle for determining to what orders the prohibition to marry should be extended was set forth by St. Jerome. It was also contained in decretals issued by Innocent I and Leo I. Hieronymus, Libri contra Jovinianum. Lib. 1, n. 34. Pat. Lt. 23, 257. Leonis Ep. ad. Rusticum 167. Harduin 1, 1761. Innocentii I Capit. 2, cap. 9. Harduin 1, 1001.

[3] Con. Carth. (401), c. 3, Harduin 1, 987.

The Council of Toledo (c. 400) showed itself less zealous, even daring to contradict the decretal of Siricius in two points. It permitted deacons to exercise all the privileges of marriage, only making them ineligible for promotion where Siricius had commanded deposition; and while evidently intending that priests should practice continence, only makes ineligible for the office of bishop those who become fathers, where again Siricius had commanded deposition.[1] The bishops of Italy showed themselves equally unwilling to impose upon themselves and their clergy so severe a rule as that of the Roman bishop and did no more than deny promotion to offenders.[2] The synods of Gaul were more compliant and attempted to enforce the rule in its full severity, but a canon of the Council of Orange so late as 441 shows that it was yet customary for married deacons to continue conjugal relation.[3]

Whether or not the rule of continence was obeyed in the early church of Britian cannot be determined because of lack of historical records. According to Gildas the clergy were much demoralized, but he says nothing concerning their marriage.[4] In Ireland there was yet no attempt to introduce the new discipline.[5]

The fifth century saw no new restrictions imposed upon the major orders in the west, but some of the regulations of the Apostolic Constitutions and Canons were extended to the minor clergy. The members of the lower grades to whom marriage was permitted were forbidden to take second wives;[6] and a council held at Rome (465) recommended that no married men should be admitted to the lower orders except those who had married virgins.[7] Leo the Great commanded expressly, for the first time,

[1] Con. Tol. 1 (c. 400), c. 1. Harduin 1, 990.

[2] Con. Taur. (c. 401), c. 8. Harduin 1, 960.

[3] Con. Auraus. (441), c. 22, 23. Harduin 1, 1786.

[4] Epistola Gildæ. Hist. Brit. Saxon. Anglo-Danicæ Scriptores. Ed. Gale, Vol. 2, 23, 38.

[5] Synodus S. Patricii (c. 450), c. 6. Harduin 1, 1791.

[6] Con. Tol. 1 (400), c. 4. Harduin 1, 990. Con. Tur. 1 (461), c. 4. Harduin 2, 794.

[7] Con. Rom. (c. 465), c. 2. Harduin 2,800.

that those subdeacons who had taken wives should live continently with them, and that those who were unmarried should remain so.[1] And although not demanded by law, the custom of ordaining as bishops only those who had been celibates originated in this century.[2]

In the east, also, the ecclesiastical laws concerning marriage were extended to the lower orders and through enactment by the secular authority were made more effective. In one respect, Justinian went even further than the ecclesiastical authorities of the west. While the Bishop of Rome forbade to the superior ranks of the clergy a continuation of marriage relations after taking holy orders, the possession of a wife and children prior to that time did not make the candidate ineligible for them. But Justinian prohibited absolutely that any one be ordained bishop who had children or grandchildren.[3] The reasons which he gives for this decree are interesting, since he did not base the command upon the idea that the clergy should maintain an ideal purity, but upon grounds of worldly expediency. The cares which the position of husband and father entail, he declared, prevent the priest from devoting his whole energy and thought to divine service and ecclesiastical duties. He argued further that it was unbecoming that the wealth given to the church for pious uses should be used by the bishop to enrich his posterity.[4] These practical reasons for creating a celibate clergy may have been a motive for the prior injunctions of the church fathers, but were not adduced by them.

The ecclesiastical decree that the upper clergy should not marry after ordination was renewed by Justinian in the Code, and, as a penalty for disobedience, he pronounced illegitimate the children of such marriages, and, with their mothers, incapable of inheri-

[1] Leonis Ep. Anastasio Episcopo Thessalonicensi, cap. 4. Mansi 5, 1281.

[2] Hinschius, Kirchenrecht, 1, 146.

[3] Cod. 1, 3, L. 42, § 1. Corpus Juris Civilis ed. Beck, 3, 52. Novellæ 6, cap. 1, § 3, 4. Beck 4, 37–38.

[4] Cod. 1. 3, L. 42. § 1. Beck 3, 52.

tance.[1] The decree is repeated in the *Novellæ* and extended to subdeacons, offenders to be degraded to the status of freemen.[2] Lectors were forbidden to marry a second time.[3] But nowhere in the Code or *Novellæ* is to be found a law similar to the decretal of Siricius which ordained that conjugal relations should cease after ordination. However, Justinian's decree that bishops must be childless was really an enactment to that effect for the episcopate, though it also had an equally strong tendency to originate the custom of raising to that rank only unmarried men. The words of the Council of Constantinople (692) indicate that the former construction was put upon the law, and to repress existing disobedience, the council repeated the decree that those who become bishops should cease conjugal relations after ordination.[4] This council made no innovations in the rules of the eastern church concerning ecclesiastical marriage, simply renewing the former canons and secular laws. These forbade all in holy orders, subdeacons, deacons, priests and bishops, to contract marriage after ordination;[5] allowed marriage in the lower grades and permitted all thus married to retain their wives after admission to the higher orders.[6] As the canons required that bishops be celibates, it became customary to raise to the episcopate only monks. The enactments of this council are at present the law of the Greek church.

In the west the fifth, sixth and seventh centuries found the clergy indulging in the pleasures to which that society surrendered itself. There were two potent causes calculated to pro-

[1] Cod. 1, 3, L. 45. Beck 3, 60–61.

[2] Novellæ 6, cap. 5. Beck 4, 43.

[3] Ib.

[4] Con. Quin. c. 12. Harduin 3, 1663–1666.

[5] . . . et nos hoc servantes decernimus, ut deinceps nulli penitus hypodiacono, vel diacono, vel presbytero post sui ordinationem contrahere liceat. Si autem fuerit hoc ausus facere, deponatur. Con. Quin. c. 6. Ib. 1662.

[6] Quamobrem, si quis dignus inventus fuerit, qui hypodiaconus, vel diaconus, vel presbyter ordinetur, is ad talem gradum assumi nequaquaquam prohibeatur, si cum legitima uxore cohabitet. Con. Quin. c. 13. Ib. 1666.

duce such a condition. After the invasions of the northern tribes and the establishment of the Teutonic states upon Roman soil, ecclesiastical patronage was in the hands of chieftains who naturally bestowed favors upon those of their followers who most deserved reward, and these being, for the most part, mere warriors, were unfit for positions in the church. Their motives for entering it were ambition or avarice, and their fierce natures unfitted them for the self-restraint then demanded of ecclesiastics. Combined with this tendency toward lawlessness was the attempt to enforce the rule of absolute continence. Even among much more favorable conditions than those of the fifth and sixth centuries it was unlikely that such an attempt could be made without driving some of the clergy to crime; but in a society so turbulent and generally immoral[1] it was inevitable that the unnatural self-restraint demanded by the church would lead to widespread evasions of the command. The councils of these centuries indicate that such was the case and so numerous are their enactments against the continuation of marital relations and more serious offences that a citation of those best illustrative of conditions must suffice. The Council of Tours (567) stated that the people suspected that many of the clergy continued forbidden relations with their wives. To prevent such uncanonical acts in the future the council decreed that, whenever a priest entered his house, he should be accompanied by at least one of his clerical subordinates. This monitor was to remain with him continually, even to sleep in the room with him. The punishment to be inflicted on those found alone with their wives was excommunication for a year and irrevocable deposition from office.[2] The Council of Macon (581) decreed that no woman should be permitted to enter the bedchamber of a bishop unless two priests or deacons were present.[3] That it was found necessary to introduce such a humiliating espionage, and to impose such severe penalties for

[1] Salvianus, De Gubernatione Dei, Liber 6, cap. 11. Pat. Lt. 53, 120.
[2] Con. Tur. 2 (567), c. 19. Harduin, 3, 361; also c. 20 Ib. 362.
[3] Con. Matis. 1 (581), c. 3. Ib. 451–2.

infractions of the rule, establishes the fact that disobedience must have been frequent and difficult to overcome.

In Spain the harshness of the punishments to be inflicted on offenders indicates that the church authorities there had a similarly stubborn disobedience to combat. The guilty clerks were to be deprived of office and their consorts condemned to monastic life.[1] The secular laws show that the clergy of all ranks were living with their wives almost without concealment, and commands that such unions shall at once be severed by the bishop or judge and a penalty of one hundred lashes be inflicted on the wife.[2] The ninth Council of Toledo (655), finding these severities in vain, condemned the children of married ecclesiastics to slavery.[3] This enactment appears somewhat strange when viewed in connection with the fact that as late as the middle of the seventh century the sons of ecclesiastics were raised to the papal chair.[4]

So common was clerical marriage in Spain, even among bishops, that the secular power found it necessary to interfere for the preservation of ecclesiastical property. By royal law every bishop, upon his accession to office, was compelled to make an inventory of the episcopal possessions ; his successor was to make a similar inventory, compare it with the preceding, and demand from the heirs whatever was lacking.[5] Pelagius I introduced a similar custom in Sicily.[6]

The energetic and relentless spirit in which Gregory I began his task of improving ecclesiastical morality makes manifest his opinion that only the utmost severity would avail to correct the existing evils. He declared repeatedly that if once a clerk lapsed from virtue he was to be irrevocably degraded to the status of

[1] Con. Tol. 8 (653), c. 4, 5. Harduin, 3, 962.

[2] Fuero Juzgo, Liber 3, Tit. 4, L. 18.

[3] Con. Tol. 9 (655), c. 10. Harduin, 3, 975.

[4] Theodorus (642–649) natione Grecus, ex patre Theodoro episcopo . . . Liber Pontificalis, ed. Duchesne 1, 331. For similar instances dating from the fourth century, Ib. 227, 252, 287, 290, 319.

[5] Fuero Juzgo, Liber 5, Tit. 1, L. 2.

[6] Pelagius 1. Ep. Cethego patricio. Pat. Lt. 69, 414.

layman.[1] Gregory also included subdeacons in the law of absolute continence;[2] but he expressly permitted the married clergy of all ranks to dwell in the same houses with their wives.[3]

Aside from the contumacy of the clergy in continuing marital relations, contemporaneous writings make it evident that many of the clergy were morally degraded. Salvianus, a priest of Marseilles, living in the fifth century, includes the clergy in his fierce strictures upon the wickedness which surrounded him.[4] Pelagius II permitted the ordination of a deacon who acknowledged that he had had children by a concubine after his wife's death; and although this fact itself is no unimportant index of clerical ideals, the excuse which Pelagius offers for his act is perhaps the worst indictment of the period and the church which he could have uttered.[5] The lowest point of clerical, as well as general social degradation, was probably reached in Spain where King Witiza issued a law giving to all laymen and ecclesiastics the privilege of having as many wives and concubines as they could support.[6] And as the councils of other countries found necessary a constant repetition of canons directed against all forms of disobedience in the matter of marriage, from a continuance of

[1] Qui igitur post acceptum sacrum ordinem lapsus in peccatum carnis fuerit, sacro ordine ita careat, ut ad altaris ministerium alterius non accedat. Gregorii Ep. Liber 4, Ep. 26. Pat. Lt., 77, 695. See also Liber 5, Ep. 3, Ib., 724. Liber 8, Ep. 24, Pat. Lt. 77, 927.

[2] Gregorii Ep. Liber 1, Ep., 44. Ib. 505–506.

[3] . . . hoc tantumodo adiecto, ut hi, sicut canonica decrevit auctoritas, uxores quas caste debent regere, non relinquant. Gregorii Ep. Liber 9, Ep. 60. Pat. Lt., 77, 997.

[4] Salvianus, De Gubernatione Dei, Liber 6, cap. 12. Pat. Lt. 53, 122.

[5] Et quamvis multa sint quæ in hujusmodi casibus observari jubeat subtilitatis auctoritas, tamen quia defectus temporum nostrorum, quibus non solum merita, sed corpora ipsa hominum defecerunt, districtionis illius non patitur in omnibus manere censuram, et ætas istius de quo agitur, futuræ incontinentiæ suspicionem auffere dignoscitur, ut diaconatus possit ordinem provehi, temporum condescendentes, ut dictum est, defectui, concessisse nos noveris. Pelagius II, Ep. 14. Pat, Lt. 72, 747–748.

[6] Liutprandi Chronicon, ann. 744, no. 174. Pat. Lt. 136, 1061.

marital relations to residence of strange women, it is evident that somewhat similar conditions prevailed generally.

It seems, however, that for a time at least, England was a notable exception. The introduction of Christianity anew by Augustine at the close of the sixth century was followed by a vigorous promulgation of the canons concerning marriage by Theodore, Archbishop of Canterbury (668–690), and Egbert, Archbishop of York (735–766).[1] The clergy must have been more tractable than was usual on the continent, for two councils of the eighth century held for purposes of reform, made no reference to marriage or immorality among the secular clergy.[2]

The condition of the Frankish clergy in the first half of the eighth century, as described by St. Boniface, was similar to that in Spain, but of course its immoralities were at no time sanctioned by law. Boniface was unsparing in his denunciations of their depravity,[3] and found association with them so abhorrent that he wrote to Gregory II, asking if he should continue to eat with them, or even to speak with them.[4] In a letter to Egbert, Archbishop of York, he declared that he was compelled to restore adulterous priests to their positions, because if all the guilty ones were punished as the canons demanded, there would be no one to administer baptism and perform the other rites of the church.[5] In

[1] Theodori Arch. Cant. Lib. Poenit. cap. 18, §5. Excerptiones Sancti Egberti. Ex. 15. Ancient Laws and Institutes of England, Thorpe, 2, 14, 99.

[2] Con. Clov., Con. Cal. Spelman 1, 242–56, 298.

[3] Si invenero inter illos, diaconos quos nominant, qui, a pueritia sua semper in stupris, semper in adulteriis et in omnibus semper spurcitiis vitam ducentes, sub tali testimonio venerunt ad diaconatum et modo in diaconatu, concubinas quattuor vel quinque vel plures noctu in lecto habentes, evangelium tamen legere et diaconos se nominare nec erubescunt nec metuunt et sic, in talibus incestis ad ordinem presbiteratus venientes, in hisdem peccatis perdurantes et peccata peccatis adiicientes, presbiteratus officio fungentes, dicunt, se pro populo posse intercedere, et sacras oblationes offere, novissime, quod peius est, sub talibus testimoniis, per gradus singulos ascendentes, ordinantur et nominantur episcopi. Bonifacii Ep. Ep. 50. Epistolæ Merowingici et Karolini Aevi (M. G. H.), 1, 300.

[4] Gregorius II ad Bonifacium, Ep. 14, cap. 12. Pat. Lt., 89, 526.

[5] Bonifacii Ep. Ep., 91, Epistolæ Merowingici et Karolini Aevi, (M. G. H.) 1, 377.

Austrasia, Karlmann, moved by his own piety and the influence of Boniface, directed a severe blow at the licentious priests. He issued an edict to the effect that a priest guilty of adultery was to be flogged and imprisoned for two years on bread and water, the punishment to be increased at the discretion of the bishop.[1] The capitulary of Pippin for the discipline of the Neustrian clergy was far less severe, though later, when in need of the Pope's favor, he increased the stringency of his laws against marriage. He simply decreed, without penalty for disobedience, that no priest should dwell with a woman unless it be his mother, sister, or niece.[2] Many of the clergy resisted these measures, and seeing in Boniface the instigator of the hated legislation, attempted to drive him from Austrasia by persecution; and resisted with violence the execution of the law.[3] A capitulary of Louis the Pious fixing the punishment of priests guilty of rape and the enactment by several councils of canons forbidding the clergy to dwell with their mothers or sisters shows of what crimes they were guilty.[4]

[1] Karlmanni Principis Capit. (742), c. 6. Capitula Regum Francorum (M. G. H.), 1, 25–26.

[2] Pippini Capit. Suess. (744), c. 8. Ib. 30.

[3] S. Bonifatii Ep. 80. Epistolæ Merowingici et Carolini Aevi (M. G. H.), 1, 358. Ep. 59, 317.

[4] Ludov. Pii Capit. Eccles. (818, 819). Capit. Regum Franc. (M. G. H.), 1, 278.

At first glance it might seem that provisions like those just referred to were the result of an overcautious desire to avoid possibility of evil, but the subjoined canons show that they were made necessary by existing crime.

. . . tamen, quod multum dolendum est, sæpe audivimus, per illam concessionem (of residence with female relatives) plurima scelera esse commissa, ita ut quidam sacerdotum cum propriis sororibus concumbentes, filios ex eis generassent. Et idcirco constituit hæc sancta synodus, ut nullus presbyter ullam feminam secum in domo propria permittat, quatenus occasio malæ suspicionis vel facti iniqui penitus auferatur. Con. Mog. (888), c. 10. Harduin, 6, Pt. 1, 406.

Prohibendum, et modis omnibus interminandum est, ut nullus sacerdos eas personas feminarum, sicut et in canone insertum continetur, de quibus suspicio esse potest, in domo sua habeat. Sed neque illas quas canones concedunt; (quia, instigante diabolo, etiam in illis scelus frequenter perpetratum reperitur, aut etiam in pedissequis illarum :) scilicet matrem, amitam, sororem. . . . Con. Nam. (895), c. 3. Ib., 457–458.

The tenth century saw no improvement in the matter of clerical marriage. The members of the clergy openly maintained wives and public opinion does not seem to have condemned them. Although such indifference to discipline was prevalent, there were some earnest churchmen who remembered what the canons were and sought to enforce them.[1] But the habits of the great body of the clergy could not be altered by fitful and unsystematic opposition, and marriage was practiced by them in all the countries of western Europe.[2] In England clerical morality suffered a rapid decline consequent upon the Danish invasions of the ninth and tenth centuries, and King Edgar resorted to severe measures for its improvement.[3]

That priestly marriage should have been general is not surprising when it is understood that the authorites of the church often failed to oppose, or even to discountenance it.[4]

That result of ecclesiastical marriage which the church had anticipated with dread, the heredity of church property in the families of priests, made itself felt in this century. The accumulations of property which the church had made during eight centuries were looked upon as a storehouse from which the poor and pleasure-loving clergy might obtain the means to satisfy their

[1] Richeri Historia, Liber 2, cap. 81. Scriptores (M. G. H.) 3, 606.

Synod. August, (952), c. 4. Harduin, 6, Pt. 1, 617.

Con. Ansan. (990), c. 5. Mansi, 19, 101.

Con. Pict. (1000), c. 3. Harduin, 6, Pt. 1, 764.

Con. Gen. adversus clericos conjugatos. Concilia orbis Britannici, Spelman, 1, 479.

[2] Dehinc intulit lamentabile et nimis lugendum, ut Domini sacerdotes publice ducant uxores, etsi filii eorum valeant promoveri. Leo VII, Ep. 15. Pat. Lt. 132, 1086–87.

Si multi nubos a clericatu repellerem, quem nisi puerulos in Ecclesia relinquerem? Ratherius, Bishop of Verona, Itinerarium, cap. 5. Pat. Lt. 136, 586. See also Constitutiones Ottonis, Const. et Acta Pub Imperatorum et Regum (M. G. H.), 1, 30.

[3] Oratio Edgari Regis. Spelman, 1, 477.

[4] Leges ecclesiasticæ regni Hungariæ et provinciarum adiacentium. Batthyani, 1, 333–334.

Constantini Vita Adalberonis, II, cap 24. Scriptores (M. G. H.), 4, 667.

desires and enrich their families.[1] No doubt the title to landed property usually remained in the monastery, parish, or chapter to which it had been given; but where the incumbent clergy were married, its income would naturally be directed to the maintenance of their families, instead of being applied to charitable uses, or employed in improving and extending ecclesiastical property. If two or three generations of clergy brought up their sons for the priesthood, the church would be deprived of the usufruct of the property involved for nearly a century, which of course, would be tantamount to its loss for that length of time.

The history of the first half of the eleventh century is a continuation of the history of the tenth century, with perhaps more determined effort by those in authority to enforce the canons. The Synod of Pavia (1018) held by Benedict VIII for the single purpose of restraining clerical incontinence, reduced to slavery the children of ecclesiastics and declared anathema any judge who might free them.[2] The canons of the Council of Bourges (1031) were less severe than usual, only degrading to the position of lector, or chanter, those who had wives.[3]

If the testimony of contemporaries is reliable, the execution of such decrees would have meant the suspension of all ecclesiastical functions in the west. Priests and deacons married after the custom of laymen, begot children and made them their heirs; and

[1] . . . ut habeant quoque unde filiis uxores, filiabus acquirant maritos, vineas et campos, postremo unde mammonæ iniquitatis valeant deservire. Ratherius, De Contemptu Canonum, Pt. 1, c. 4. Pat. Lt. 136, 491.

Quarum illecebris illecti, suæ domui, cunctæque familiæ ac supellectili eas præsse dijudicant, suumque post obitum scortum hæredem constituunt, et quidquid de facultatibus ecclesiæ, vel eleemosynis, seu undecunque acquirere possunt, hujusmodi manibus distrahendum relinquunt. . . . Sunt etiam qui nudi ad Ecclesiam veniunt, sed de ejus beneficilis accrescunt. Hi primum inopiæ causa continentiam fingunt, et postmodum ditati, meretrices asciscunt. Atto, Bishop of Vercelli, Ep. 9. Pat. Lt. 134, 116–117.

See also, Synod of Tours (925). Harduin, 6, Pt. 1, 564. Institutes of Polity Civil and Ecclesiastical, Thorpe, 433, 438.

[2] Con. Tic. (1018), c. 1, 4. Harduin, 6, Pt. 1, 813, 814.

[3] Con. Bit. (1031), c. 5. Ib. 849. See also c. 6, 8, 10.

even the bishops dwelt openly with their wives.[1] According to the monkish biographer of Peter Damiani, the two heresies of simony and ecclesiastical marriage were practiced with impunity in the whole church.[2] One German bishop, while urging his priests to shun the pestiferous society of women, impliedly gives them permission to marry by the injunction that if they could not attain perfection, they should at least guard with care the bonds of marriage.[3] In England, not only was it customary for the members of the clergy to take one wife, or even more, but the ecclesiastical and secular authorities used no more efficient means of discipline than exhortation, promising them as a reward for fulfillment of duty the veneration of their fellows and the dignity of thanehood.[4]

Such lenience on the part of those in authority, however, was soon superseded by harsh severity. The year 1049 saw the beginning of a crusade against the married clergy which was to end in their subjugation. Its principal instigator was the hermit, Peter Damiani. His desire for ecclesiastical purity amounted to a fanaticism which stopped at no sacrifice of self, or punishment for the guilty. During the short pontificates of Clement II and Damasus II little had been done to force the clergy to respect the canonical obligations concerning marriage. But with the elevation of Leo IX to the Papacy, and the exhortations and revelations of Damiani, supported perhaps by the influence of Hildebrand, there began a vigorous struggle for reformation. The Synod of Mainz (1049) held by Leo IX, with Henry III in coöperation, forbade marriage and

[1] Itaque cum vulgus clericorum per viam effrenatæ licentiæ nemine prohibente, graderetur, cœperunt ipsi presbyteri ac diacones (qui tradita sibi sacramenta Dominica mundo corde castoque corpore tractare debebant) laicorum more uxores ducere, susceptosque filios hæredes testamento relinquere ; nonulli etiam episcoporum verecundia omni contempta, cum uxoribus domo simul in una habitare. Victoris III, Dialogi, Liber 3. Pat. Lt. 149, 1002–1003.

[2] Joannes Monachus, Vita P. Damiani, cap. 16. Pat. Lt. 144, 133.

[3] Adam. Bremensis Gesta Pontificum Hammaburgensis Ecclesiæ, Liber 3, cap. 29. Pat. Lt. 146, 580.

[4] Con. Aenham. Gen. c. 2. Spelman, 1, 514.

imposed severe penalties for disobedience.[1] A council at Rome decreed that the wives of the clergy should be attached as slaves to the Lateran Palace, and all the bishops of the church were urged to inflict the same punishment upon the wives of priests.[2] Stephen IX held several councils for the express purpose of eradicating the evil of clerical marriage.[3] Nicholas II realized that it was not new laws which were needed, but new measures of coercion. The customary penalties of degradation from office and expulsion from the ranks of the clergy having failed of success, the Council of Rome (1059), stimulated by the reforming spirit of the eleventh century, decreed that no one should attend mass when said by a married priest.[4] This canon possesses an unusual importance and interest, for it seemed to question the doctrine that the sacraments were efficacious in polluted hands, and was a contravention of the long-established custom of excluding the laity from participation in clerical discipline.[5] Its wide departure from the doctrines and tradition of the church prove the determination of the Papacy to carry its point and the stubbornness with which the clergy resisted. All these efforts were evidently ineffective, for Nicholas II found it necessary to repeat the decrees, and his words indicate that the clergy had ignored them.[6]

In the struggle to retain their wives the clergy did not offer merely a passive resistance, but resorted to argument in support of their position.[7] One learned and clear-sighted ecclesiastic of unknown name wrote a vigorous and cogent defense of clerical

[1] Adam. Brem. Gesta Pont. Hamm. Liber 3, cap. 29. Pat. Lt. 146, 580.

[2] Peter Damiani, Dissert. 2, Opusc. 18, cap. 7. Pat. Lt. 145, 411.

[3] Chronicon Monast. Casin. Liber 2, cap. 97. Script. Rer. Ital, Muratori 4, 409.

[4] Ut nullus Missam audiat presbyteri, quem scit concubinam indubitanter habere, aut subintroductam mulierem. Con. Rom. (1059), c. 3. Harduin, 6, Pt. 1, 1062.

[5] See Lea, p. 203, note 2.

[6] Decretales Nicolai Papæ, c. 3, 4. Baluzius et Mansi, 2, 118–119.

[7] Petri Damiani Ep. Liber 5, Ep. 13. Pat. Lt. 144, 363.

marriage, in which he exposed the hypocrisy of the clergy, and unhesitatingly prescribed wedlock as the only remedy for their debased morals.[1] The upper clergy, whom he declares were stained by the vilest crimes,[2] were the particular objects of his denunciation, because in their efforts to discipline their subordinates, they winked at concubinage and licentiousness while stigmatizing marriage. "Unreasonable men," he exclaims, "who ought rather to teach us that we should fear to sin in the sight of Him from whom nothing is hid, than that we should blush to live as men in the sight of our fellows."[3]

The words of St. Paul to the Corinthians: "Nevertheless to avoid fornication let every man have his own wife and every woman have her own husband,"[4] gave the married clergy a Scriptural warrant of great authority upon which to base their claims, and this passage was often used by them as a defence of marriage.[5] In one of his numerous polemics upon the subject, Damiani maintained that this advice was not meant for all men, but only for those citizens of Corinth who could take wives without disobeying any law.[6] He further argued that if the passage quoted from St. Paul permitted priests to marry, the same privilege was also conceded to monks and abbots; and as the two sexes were not governed by different laws, the permission would include the

[1] Hic est autem, si diligentur inspicitur, tocius eorum manipulus zizaniæ, tocius conventus insaniæ, ut dum clerici licita unius uxoris conjugia, scilicet unius mulieris consortia, pharisaico devicti, quod absit! furore relinquere cogantur, fornicatores et adulteri et aliarum pravitatum turpissimi ministri cum ipsis efficiantur. Pseudo-Udalrici Ep. Lib. de Lite (M. G. H.), 1, 259–260.

[2] Quid vero pro hominibus fieri potest stolidius, quid divinæ maledictioni obligatius, quam cum aliqui eorum, vel episcopi, videlicet vel archdiaconi, ita præcipites sint in libidinem, ut neque adulteria neque incestus neque masculorum, pro pudor! turpissimos amplexus sciant abhorrere, quod casta clericorum conjugia sibi dicant fetere et ab eis non veræ justitiæ compassione, sed falsæ justitiæ dedignatione clericos non ut conservos rogent vel moneant continere, sed ut servos iubeant et cogant abstinere. Ib. 258–259.

[3] Ib. 259.

[4] I Cor. 7, 2.

[5] Petri Damiani Ep. Liber 5, Ep. 13. Pat. Lt. 144, 363.

[6] Ib.

sacred virgins.[1] The clergy further adduced as a reason for marriage the difficulty of subsisting upon their scanty stipends without the economical management of a wife. Damiani's reply was that if their livings yielded so little they were the less able to support a wife and children.[2]

Damiani's attack upon clerical marriage was at no time prompted by considerations of worldly expediency. It was not the danger to ecclesiastical property which influenced him, but the thought that the sacred ministrations of the church should be performed by men who were bound by the ties of a union, which, to his devout asceticism, seemed pollution. It was the ideal purity alone for which he struggled, and he frankly admits that the married clergy, in one diocese at least, were men of merit, and deserving of condemnation only because they had wives.[3] In Lombardy, particularly in Milan, the attempts of Damiani to coerce the clergy into conformity with the canons was accompanied by riots and insurrection. The most important source of the violence, however, was not the preaching and measures of Damiani, but the personal rivalry of candidates for the archbishopric, one of whom made celibacy the war-cry of his party in order to gain the support of Rome.[4]

The clergy of the other parts of Europe likewise persisted in their defence of the right to marry, and the re-enactment by Alexander II of the canon of 1059 was ineffectual.[5] Damiani, apparently convinced that exhortations and ecclesiastical penalties were useless, took the unprecedented step of appealing to a secular ruler for aid. In a letter to Adelaide, Duchess of Piedmont and Savoy, he requested that she use the force of temporal power to coerce the clergy of her dominions into obedience.[6] But all

[1] Petri Damiani, Opuscula 18, Diss. 1, cap. 4. Pat. Lt. 145, 392–394.

[2] Ib.

[3] Ib. 398.

[4] A full account of these events is given by Arnulphus, Gesta Archiep. Mediolan. Pat. Lt. 147, 309–310, 316–319, 321–323.

[5] Con. Rom. (1063), c. 3. Harduin, 6, Pt. 1, 1139.

[6] Petri Damiani, Opusc. 18, Diss. 3, cap. 2. Pat. Lt. 145, 418, 419.

seemed in vain ; deposition from office, degredation to the status of layman, dissolution of the ties between pastor and congregation, all had failed for the time, of accomplishing their purpose, and Alexander II, though under the spur of Damiani, abandoned the ideals of the reformers. He did not abrogate the rules of discipline, but suspended and relaxed them in important particulars, limiting the infliction of penalties to open and defiant offenders, or commuting the more severe one of deposition from office into the performance of the customary canonical satisfaction.[1]

With the election of Hildebrand to the Papal chair, however, leniency was supplanted by harsh and vigorous measures. He had a new motive of tremendous power driving him to execute the canons concerning marriage. For a celibate clergy was indispensable to a realization of his views concerning the position of the Pope in the affairs of the world. His theories are clearly set forth in the *Dictatus Papæ*. In this enunciation of the Papal rights Gregory asserted that no council could be regarded as general without the Papal sanction and that the Pope alone could depose and reinstate bishops. This, of course, was tantamount to a declaration that the Pope was autocrat of the church. As to the powers of the Pope in secular affairs, Gregory declared that he might depose emperors, that he might annul the decrees of all earthly authorities, but that no one could annul Papal decrees, and that he was to be judged by no one.[2] The *Dictatus Papæ* thus outlines a theory of the world in which all earthly rulers and powers are amenable and subordinate to the Pope. To suppose that Gregory intended that the Pope should constantly exercise supervision over all the princes and magnates of the earth is unreasonable. The supremacy for which he contended was a conditional, or contingent, supremacy which his obligations as Pope gave him the right to possess. If he were responsible to God for the salvation of every soul in Christendom, the power to

[1] Alexander II., Ep. 125. Pat. Lt. 146, 1407. Ib. Ep. 118. Ib. 1405–1406. Ep. 133. Ib. 1410.

[2] Jaffé, Bibliotheca Rerum Germanicarum, 2, 174–175.

guide every soul, to protect it from whatever he thought might be leading it to destruction, was his indispensable prerogative. If the measures of emperor, or king, were inimical to the spiritual welfare of his subjects, it was the duty of the Pope to rescue them by persuading or coercing their ruler into a change of policy. Such a supremacy in the temporal world was a logical deduction from the Papal supremacy in the spiritual world. Gregory's purpose in seeking to realize this dream was a noble one; it was not to satisfy a greed for power, but to ameliorate the condition of mankind by the wise and beneficent rule of a divinely appointed sovereign, who feared no earthly magnate, who acted only from the purest motives, who would combat all evils, and rectify all wrongs upon the widest principles of justice.

As spiritual chief of the world it was necessary that the Pope should have for his agents a body of men without local attachments and without personal interests to which they might sacrifice the welfare of the church. It was necessary that their powers should be devoted exclusively to the defence and aggrandizement of this great ecclesiastical institution. To create a body of men with such singleness of purpose, it was also necessary, beside cutting off all personal interests, to distinguish them sharply from the people they were to rule. The indelible spiritual attributes conferred at ordination accomplished this to some degree, but celibacy was a much more obvious and striking distinction than the invisible spiritual change which ordination was said to effect. The enforcement of the rule of continence would thus accomplish two important purposes: it would deprive the clergy of the cares, ambitions and interests which the rearing of a family involve, and it would isolate them from their fellow men. Other motives no doubt influenced Gregory. Being a monk, he was saturated with monastic ideals, and motives of pure asceticism were probably combined with those of papal supremacy.

Immediately after his election Gregory began the task at which all his predecessors had failed. He recognized that no new can-

ons were needed, but rather a vigorous application of the spur to the lagging bishops. Numerous synods were convoked to act upon the matter of clerical marriage and care was taken that all ecclesiastics should be informed of their decrees.[1] The canon of 1059 prohibiting attendance at mass when read by a married priest was re-enacted,[2] the council of Poitiers threatening the disobedient with excommunication.[3] Gregory appealed to temporal rulers to aid him. In a letter directed to Rudolph, Duke of Swabia, and Bertolph, Duke of Carinthia, he exhorted and admonished them not to sanction the installation of any married ecclesiastic, and urged them to use force, if necessary, to prevent such men from officiating.[4] Similar exhortations were addressed to other princes.

But the measures to which he next resorted to compel the refractory clergy to obey, made those of the past seem conservative. In a letter addressed to the clergy and laymen of Germany, he stated that certain bishops and priests of that country had taken wives, and that all inferior clergy and laymen were released from obedience to such spiritual leaders.[5] As clerical marriage was general throughout Germany,[6] and as ecclesiastical influence and the penalties of the church were then among the most effective restraints upon disorder, this permission gave to the lawless and turbulent elements of the population a most dangerous license. It was a destruction of the most potent force then on the side of legal order, and a dissolution of the ties most venerated by the people of that age. It was a violation of the most ancient

[1] Lamberti Hersfeldensis Annales (ann. 1074), Script. (M. G. H.), 5, 217–18.

[2] Con. Rom. (1074) c. 17. Harduin, 6, Pt. 1, 1542.

[3] Con. Pict. (1078), c. 9. Ib. 1576.

[4] Gregorii VII., Ep. Liber 2, Ep. 45 ; Jaffé, 2, 158.

[5] The canon of the Council of Rome (1059), forbidding attendance at the masses of married priests was essentially the same as this, but as the release from obedience was not explicit and the canon ignored, its full significance was not seen.

[6] Nunc videndum, unde hæc nefanda consuetudo usquequaque inoleverit, quod quasi licentes passim uxores duxerint. De Offendiculo Honorii Augustodunensis Presbyteri et Scholastici, cap. 27. Lib. de Lite (M. G. H.), 3, 46. See also Ib. 49, 50.

traditions of the church, a blow at religion itself, for there was then no other spiritual guidance and authority than that of the clergy of the Roman Church. To release the people from obedience to the clergy was a daring measure and the more daring because it was opposed by even Gregory's supporters. His former decretals had called forth an uproar of protestation and opposition from all the married clergy of western Europe. They defended themselves with the assertion that the church formerly permitted the ordination of married men;[1] they declared that the man was a heretic who forgot the words of Christ that continence was not for all, and of the Apostle, recommending that those should marry who could not restrain themselves. They accused him of violently compelling men to live as angels, and, by denying the demands of nature, of giving rein to adultery and all kinds of uncleanness. They declared that they would surrender their offices rather than their wives.[2]

In the polemical literature which the measures of Gregory called forth the cause of the married clergy was worthily defended by champions who possessed learning and acumen and had the welfare of the church at heart. The twofold basis of their defence was that celibacy was not prescribed in the Old Testament, the Gospels, or Epistles;[3] on the contrary, that marriage was expressly recommended; and that celibacy was the undoubted cause of crime and moral degradation among the clergy. As they were

[1] Petri Damiani Opuscula 18, Diss. 2, cap. 3. Pat. Lt. 145, 402.

[2] Adversus hoc decretum protinus vehementer infremuit tota factio clericorum; hominem plane hereticum et vesani dogmatis esse clamitans, qui oblitus sermonis Domini quo ait; "Non omnes capiunt hoc verbum; qui potest capere, capiat," et Apostolus; "Qui se non continet, nubat; melius est enim nubere quam uri;" violenta exactione homines vivere cogeret ritu angelorum, et dum consuetum cursum naturæ negaret, fornicationi et immunditiæ frena laxaret; quod si pergeret sententiam confirmare, malle se sacerdotium quam conjugium deserere, et tunc visurum eum cui homines sorderent, unde gubernandis per ecclesiam Dei plebibus angelos comparaturus esset. Lamberti Hersfeldensis Annales (ann. 1074), Script. (M. G. H.) 5, 218.

[3] Tractatus pro clericorum connubio. Lib. de Lite (M. G. H.), 3, 588. Tractatus Eboracenses, Ib. 646, 647–648.

acquainted with the story of Paphnutius and the efforts of the advocates of celibacy to have the Council of Nicæa enact a canon prescribing the rule of continence, its failure to do so was made the basis of a claim that clerical marriage was still canonical.[1] The innumerable marriages of priests were cited as precedents in support of this contention, and the repeated promotion of the sons of priests to the episcopal office was adduced, apparently to prove that in the past the offspring of clerical marriages had not been regarded with disfavor by the church authorities.[2]

The replies of the partisans of Gregory consisted largely of numerous citations from Augustine, Jerome, Gregory I and others of the church fathers, along with those papal decretals and canons in which a continuance of marriage relations after ordination was forbidden. To the argument that since marriage was permitted by the old dispensation to the Hebrew priests and had not been forbidden by any law of the New Testament, and was therefore permissible for the priests of the church of Christ, they replied that the Levites were allowed to marry because only the members of that tribe could serve as priests, and that its perpetuation was therefore necessary.[3] They declared that the advice of St. Paul 'that each man have his own wife and each women her own husband,' was intended only for those who could marry canonically, not for those who had taken a vow of chastity.[4] The reason for celibacy which was most often presented, and which no doubt had much weight with a large number of the clergy, was that those who officiated at the altar and sacrificed the body of

[1] Cameracen. et Noviomen. Clericorum Ep., Lib. de Lite (M. G. H.) 3, 575.

[2] Possemus innumerabiles clericorum filios ab antiquis patribus ecclesiasticorum ordinum et honorem dignitatibus sublimatos adicere. Possemus et viventes adhuc episcopos de clericis, immo de presbyteris, in Italia, in Gallia, in Normannia ab ipso papa intronizari concessos aut et ordinatos ostendere . . . . Tract. pro. cleric. connubio. Ib. 595.

[3] Libellus Honorii Aug. Ib. 29 sqq.
Apologeticus Bernaldi, Ib. 2, 73.

[4] Apologeticus. Ib. 72–73.

Christ should not indulge in carnal pleasures.[1] This incompatibility which was asserted to exist between marital and religious duties received copious illustration from the events of the Old Testament. In the passage of Exodus (19, 14) stating that "Moses went down from the mount unto the people and sanctified the people," the word sanctified was construed to mean that the men had abstained from their wives for three days, the warrant for this interpretation being the statement that, on his return, "Moses commanded the people that they should be ready against the third day and come not at their wives." Generalizing from this instance, it was maintained that the word sanctified, wherever used in the Old Testament, signified abstinence from women.[2] It was argued that if those who approached the mountain in which an angel appeared were thus sanctified, much the more should he be sanctified, who, in the service of the altar, daily approached the Lord of angels.[3]

But in spite of the resistance of the married clergy Gregory persisted, and as a last means of coercion, annihilated their authority over the people. The result is described by a contemporary, a friend to Gregory's reforms. The ministrations of married priests were refused by the laity, with the consequence that all offices of the church were frequently suspended. Some of the priests were driven from their homes and died of starvation, others suffered the most humiliating outrages. The destruction of the moral force of the clergy was followed in many places by crime, heresy and disorder.[4]

[1] Non est enim congruum carnali copulæ servire et Christi hostiam cum angelo immolare. Lib. Honorii Aug. Lib. de Lite (M. G. H.), 3, 35.

Quis igitur sanæ mentis prædictas apostoli sententias de exercendo conjugali opere sacerdotibus ascribat, quorum cottidianum est officium non modum orare, sed et divina sacramenta contrectare, præsertim cum in eodem loco etiam cuilibet Christiano tempore orationis iniungatur continentia. Apologeticus Bernaldi, Lib. de Lite (M. G. H.), 2, 73.

[2] Lib. Honorii Aug. Ib. 3, 43.

[3] Ib. 43–44. For similar arguments see Apologeticus Bernaldi. Ib. 2, 72 sq.

[4] Quis enim catholicus in tanta matris ecclesiæ perturbatione non doleat? Quis christianus in tam indigna christianitatis conculcatione, si qua habeat,

The untiring energy and indomitable will which could resort to such doubtful measures left an impress upon the public mind of Europe, and although Gregory did not fully accomplish his pur-

visera miserationis non exerat? Quæ autem ad hæc deflenda perturbatio sit, nullus sexus, nulla conditio, nulla fortuna, nulla potest ignorare religio. Quid enim aliud etiam mulierciarum textrina et opificum officinæ jam ubique personant, quam totius humanæ societatis jura confusa, christianæ sanctitatis statuta convulsa, popularis status subitam immutationem, ecclesiastici decoris impiam delirationem, novas in dominos perfidias servorum, omnimodas in servos suspiciones dominorum, infidissimas sodalium proditiones, dolosas in ordinatam a Deo potestatem machinationes, amicitiam ledi, fidem negligi, et impudentiori malitiæ licentia imperia, et christianæ religioni contraria dogmata induci, et quod misserimum est, omnia hæc portenta eorum, qui christianitatis duces vocantur, vel permissione concedi, vel consensu fulciri, vel auctoritate roborari. Plebeius error quam semper quæsivit, opportunitate adepta usque ad furoris sui satietatem iniuncta sibi, ut ait, in clericorum contumelias obedientia crudeliter abutitur. Hi publici illusionibus adducti quocunque prodeunt clamores insultantium, digitos ostendentium, colaphos pulsantium proferunt. Alii, injustis proscriptionibus rebus sic ammissis præsentiam eorum, inter quos modo honesti et clari erant, ferre non valentes, egeni et pauperes profugiunt. Alii membris mutilati non satis discretam pro lapsu suo sentitiam ad evidens tam prudentium correctorum testimonium per omnium ora circumferunt. Alii post longos cruciatus superbe necati sanguinis sui vindictam de justi et omnipotentis defensoris manu incessanter expetunt. Quidam ob infirmatatis suæ consuetudine, non piis et ecclesiasticis ammonitionibus devocati, sed tyrannicæ violentiæ impetu non parumper absterriti, duplicato periculo ad illam quotidie redeunt. Illi autem, laicos dico, quibus amministris tam ordinata agi placuit capitula, sua auctoritate defendentes vesaniam, nihil est quod contra propositum christianitatis non audeant, ecclesiæ mysteria contemnere, parvulos suos lavacro salutari fraudare, ipsi absque humili peccatorum confessione et solemni ecclesiæ viatico migrare religiosum deputant, sibi ad peccatorum redemptionem sufficere arbitrantes, si commissum sibi in pastores suos sæviendi officium strenue adimpleant. Sigberti Gemblacensis Apologia. Lib. de Lite (M. G. H.), 2, 438–39.

Another observer thus describes the effect of Gregory's measures. Legem enim illam ad scandalum in æcclesia mittendum tartaro voemente prolatam neglegentia, aiunt, excepit, stultitia promulgavit, amentia roborare contendit ; per quam pax æclesiæ convulsa, tranquillitas populi Dei sublata, pulcherrima æcclesiastici ordinis distinctio confusa, fides concussa, tota denique magni patrisfamilias domus sedibus disiectis, trciliniis transmutatis, vasis transpositis, omnino inordinata et confusa. Theodericus Virdunensis Episcopus Hilthebrando Papæ. Lib. de Lite 1, 288.

For another account of the lawlessness of the people at this time, see Sigberti Chronicon (ann. 1074), Script. (M. G. H.), 6, 363.

pose, he was recognized as the most successful champion of sacerdotal celibacy which the church had yet seen.[1] The result of his vigor and persistence was this: celibacy was generally recognized by ecclesiastical authorities to be a canonical obligation, and it was more successfully enforced than at any time hitherto. The indifference of national or local synods was overcome and the bishops of southern and western Europe, save a small number in Germany for the time being, imposed the rule upon their clergy. But those individuals whom necessity forced into obedience for the time being relapsed as soon as the pressure was withdrawn, and the papacy abated its assiduity.

Gregory's successor, Urban II, showed little less resolution in the struggle, and at the Synod of Melfi (1089) he reduced to slavery the wives of married priests.[2]

The next thirty-five years were filled with efforts like those of the past to compel the obdurate clergy to obey, but until 1123 no new penalties were imposed and no new principles introduced into the legislation upon the subject. The Lateran Council of that year, however, declared dissolved all marriages contracted after ordination.[3] Prior to this time the sanctity of marriage had been respected and its vows considered superior to all others. The canons had permitted the surrender of either wife or office, the choice being left to the individual. Nevertheless, if the former alternative were chosen, the persons concerned were considered to be still bound by the marriage vows, and as has been already observed, the wife was sometimes compelled to enter a nunnery in order to

[1] Cuius prudentia non solum in Italia, sed etiam in Theutonicis partibus refrenata est sacerdotum incontinentia; scilicet quod prædecessores ejus in Italia prohibuerunt, hoc ipse in aliis æclesiæ catholicæ partibus prohibere studiosus attemptavit. Bertholdi Annales (ann. 1073) Script. (M. G. H.), 5, 276. See also, Ottonis Frisingensis Chronicon Liber 6, cap. 34. Ib. 20, 246.

[2] Con. Mel. (1089), c. 12. Harduin, 6, Pt. 2, 1686.

[3] Presbyteris, diaconibus, subdiaconibus, et monachis, concubinas habere, seu matrimonia contrahere, penitus interdicimus; contracta quoque matrimonia ab hujusmodi personis disjungi, et personas ad pœnitentiam debere redigi, juxta sacrorum canonum diffinitiones, judicamus. Con. Lat. (1123), c 21, Ib. 1114.

make their violation impossible.[1] But this canon made the obligations of holy orders superior to all others. It was a result of the rapidly developing doctrine that the characteristics of the priest were indelible, that the powers and obligations assumed at ordination could never be lost and the priest was absolved from all duties which conflicted with the ones then imposed.[2] The Synod of Pisa (1134) gave clear and definite expression to the principle,[3] and the great Lateran Council, convoked by Innocent II, erected it into a doctrine by the declaration that a marriage contracted in violation of the law of celibacy was not a marriage.[4] This attempt of the Popes to establish the principle that a vow of virginity destroyed the binding force and sanctity of the marriage ties was not supported by all ecclesiastics. Their doubts of the correctness of the principle found expression in the canon law, where Gratian asserted that, although a vow of chastity is offered at ordination, nevertheless the strength of the ties of matrimony is so great that they cannot be dissolved by it.[5]

Alexander III, acting in harmony with the Lateran Synod of 1123, decreed that those who had only assumed the religious habit, persons in minor orders, were not thereby incapacitated from contracting the obligations of matrimony; the implication being

[1] See page 15.

[2] Bocquet believes that this canon aimed only to secure the actual separation of wife from husband and was not a declaration of the nullity of marriage. Le Celibat Ecclesiastique, L. Bocquet, p. 189.

On the other hand, Hefele believes that sacerdotal marriage was made invalid by the Council of Melfi (1089), because the wives of the clergy were there condemned to servitude. Hefele, Beitrage zur Kirchengeschichte, 1, 133. Hinchius, by the Synod of Rheims (1119). Kirchenrecht, 1, 155.

[3] Con. Pis. (1134), c. 1. Mansi, 21, 489.

[4] Ut autem lex continentiæ, et Deo placens munditia in ecclesiasticis personis et sacris ordinibus dilatetur: statuimus quatenus episcopi, presbyteri . . . qui sanctum transgredientes propositum uxores sibi copulare præsumpserint, separentur. Hujusmodi namque copulationem, quam contra ecclesiasticam regulam constat esse contractam, matrimonium non esse censemus. Qui etiam ab invicem separati pro tantis excessibus condignam pœnitentiam agant. Con. Lat. 2 (1139), c. 7. Harduin, 6, Pt. 2, 1209.

[5] Corpus Juris Canonici, Comment. in c. 1, Dist. 27.

that those who had made a formal vow, or had been ordained, could not contract a valid marriage.[1] The privilege of marrying had depended upon the nature of the vow taken by the ecclesiastic. If the vow were simple, or private, it was not considered a preventive of marriage, but if solemn it was so considered; the distinction between a simple and a solemn vow being that the former was taken privately, the latter publicly, with the official recognition of the church.[2] Ordination being a ceremony performed *in conspectu Ecclesiæ* a vow of chastity then taken was of course a solemn vow and invalidated future marriage. Further, the words of Gratian indicate that ordination transformed a simple vow, already taken, into a solemn vow, and the principle was repeated in a decretal of Boniface VIII.[3]

Celestine III, pushing the principle still further, decreed that a simple vow did not annul a marriage already contracted, but prevented a future marriage.[4] Of course a marriage existing

[1] Quod qui habitum religionis suscepit, si professionem non fecit, et aliquam sibi postea matrimonio copulaverit, non est cogendus ab ea recedere, et ad ecclesiam redire. Index in Lat. Synod. Pt. 6, c. 9. Harduin, 6, Pt. 2, 1697

[2] Idem singulare votum, aliud est privatum, aliud solemne. Privatum est in abscondito factum; solemne vero in conspectu ecclesiæ factum. Qui privatum faciunt votum continentiæ, matrimonium contrahere non debent; quia contrahendo mortaliter peccant. Si tamen contraxerint, non separentur, quia probari non potest quod occulte factum est. Qui vero solemniter vovent, nullatenus conjugium inire queunt; quibus non solum nubere, sed et velle, damnabile est. Petri Lombardi Sententiæ, Lib. 4, Dist. 38. Pat. Lt., 192, 932.

[3] Hic distinguendum est, quod uouentium alii sunt simpliciter uouentes, . . . alii sunt, quibus post uotum accedit benedictio consecrationis, uel propositum religionis, ... Corpus Juris Canonici, Dist. 27, comment, in c. 8.

Further, since by ordination an office was assumed to which custom and law had attached the prohibition to marry, the taking of holy orders even without a vow of chastity, was considered an impediment to marriage. Monemus ut universi presbyteri in sacris ordinibus constituti contineant, et casti vivere studeant, cum voto continentiæ tacite sint constricti. Synodus Claromontensis, Pars 2, cap. 1. Harduin, 7, 604.

Omnis enim recipiens ordinem sacrum, implicite saltem committit votum continentiæ. Oratio Episcopi Laudensis in Constant. Con., von der Hardt, 5, P. 1, 125.

[4] Votum simplex impedit sponsalia de futuro, non autem dirimit matrimonium sequens; Extra. Lib., 4, Tit., 6, c. 6. (Lea, p. 334).

prior to the taking of holy orders was not annuled by them.[1] Thus, by the end of the twelth century, there had been developed from the commands of Siricius that the clergy should not marry after ordination, the doctrine that ordination rendered them incapable of marriage. Married laymen and married clergy of the minor orders were allowed to be ordained, however, upon the condition that they take a vow of chastity.

But while Papal and synodal legislation left nothing to be desired in definite enactment and severity of penalties, it was generally disregarded throughout Christendom during the twelfth century. The determined efforts of Gregory VII, Urban II and Alexander II, had been without lasting effect upon the lives of the clergy, though their efforts contributed much to the measure of success which Innocent III enjoyed.

As Germany was separated from the Papacy by the schism which originated in the contest between Henry IV and Gregory VII, it was not to be expected that the Papal decrees would be obeyed there, and although the action of the Council of Guastella (1106)[2] again subjected Germany to Papal legislation, marriage continued.[3]

In France the clergy were equally stubborn in their refusal to surrender their wives and some even disregarded the laws against bigamy.[4]

The legislation of the early twelfth century in Spain shows that

[1] Extrav. Joh., 22, Tit., 6, cap. un.

[2] Annalista Saxoni. (ann. 1106), Script. (M. G. H.) 6, 745. For Council of Guastella, Harduin, 6, P. 2, 1883.

[3] Non erubescant sacerdotes uxores ducere, palam nuptias faciebant, nefanda matrimonia contrahebant . . . . Brunonis Episcopi Libellus. Lib. de Lite, 2, 546–547. See also, Gerhohi Tractatus adversus Simoniacos, c. 2. Pat. Lt. 194, 1338. Gerhohi Comment. in Psalm. 64, c. 49. Ib. 39–40.

[4] . . . Ivonis Carnotensis Episcopus Ep. ad Daimbertum ; Ep. 200. Pat. Lt. 162, 207. Ep. 277, Ib. 279. Paschal II referred thus to France : Gravem valde rem ex partibus vestris audivimus, quia post tanta sanctorum decreta pontificum, post interdicta conciliorum, clericalis ordinis viri qui audent, publice ; qui non audent, occulte mulieribus sociantur. Paschalis II Ep. Ep. 415, Pat. Lt. 163, 369.

the decrees of Gregory VII had not found more than partial obedience[1] and the church having failed to enforce its laws, the secular authority interposed, punishing the guilty priests with deprivation of benefice and suspension from office, and their wives and children with slavery.[2]

The chroniclers of events in England during the late eleventh and early twelfth centuries describe the Anglo-Saxon clergy as hopelessly sunken in sensual pleasures.[3] The first vigorous efforts for reform after Gregory VII were opposed on the ground that to deny the privilege of marriage to the clergy would result in crimes infinitely worse.[4] The exertions of Anselm (1102) were without result,[5] and Honorius II sent John of Crema to England (1126) to stamp out the opposition there.[6] He accomplished nothing, and Henry II (1129), who employed threats of reform as a means to extort money from the offending priests, likewise failed.[7] The close of the twelfth century apparently saw no improvement, for sacerdotal marriage was common during the reign of John, and continued to be practiced to some degree until the middle of the thirteenth century.[8]

In Ireland there was a relaxation of all ecclesiastical discipline by the first quarter of the twelfth century, and clerical marriage with the hereditary transmission of benefices was general.[9] A

[1] Concubinæ clericorum manifeste ejiciantur. Con. Pal. (1129), c. 5. Harduin, 6, P. 2, 2053. See also, Paschalis, II, Ep. 10. Mansi, 20, 1001.

[2] Las Siete Partidas, P. 1, Tit. 6, 1. 41. T. 1, 141.

[3] Optimates, gulæ et veneri dediti, ecclesiam more christiano mane non adibant; sed in cubiculo, et inter uxorios amplexus, matutinarum sollempnia et missarum a festinante presbytero auribus tantum libabant. De Gestis Regnum Anglorum, Guillelmus Malmsberiensis, Lib. 3, §245. Rerum Britannicarum Medii Aevii Scriptores, 90, Pt. 2, 304–305. See also Ordericus Vitalis, Hist. Eccles. Lib. 4, cap. 6. Societe de l'Histoire de France, 2, 208.

[4] Henrici Hunt. Hist. Lib. 7. Rer. Brit. Med. Aev. Script. 74, 234.

[5] Ib. 234.

[6] Ib. 245–246.

[7] Anglo-Saxon Chronicle, Am. 1129. Rer. Birt. Med. Aev. Script. 2, 226.

[8] Poems of Walter Mapes, ed. Wright. De concubinis Sacerdotum. P. 171–172. Ep. Alex. III. Mansi 21, 1088.

[9] Verum mos pessimus inoleverat quorumdam diabolica ambitione potentum,

partial reform was accomplished, but in the second half of the century the English invaders brought with them their married priests whose customs were quickly imitated by the Irish clergy in those portions of the island where the two races were in contact.[1]

This century found marriage yet prevalent among the bishops of Denmark, and so probably among the lower clergy also.[2] Calixtus II was the first pope to turn attention to this corner of Europe, and the Council of Rheims (1120) decreed that the Danish clergy give up their wives.[3] The clergy of the Scandinavian peninsula were undisturbed as yet, for not until the thirteenth century did the councils of Norway and Sweden introduce the Papal legislation concerning marriage.[4]

In Hungary the ecclesiastical laws of King Coloman, dating from the first decade of the twelfth century, contain the first definite prohibition of clerical marriage. They forbid married priests and deacons to officiate at the altar unless, the wife consenting and vowing chastity, they be forever separated.[5] Coloman's laws were without more than temporary effect, however. In Poland marriage had continued without restriction until the very end of the twelfth century, but the Papal legate, Peter of Capua, who then undertook a reformation, enjoyed considerable success in his efforts to enforce the canons.[6]

The expected results of ecclesiastical marriage were not want-

sedem sanctum obtentum iri hæreditaria successione. Nec enim patiebantur episcopari, nisi qui essent de tribu et familia sua. Nec parum processerat exsecranda successio, decursis jam in hac malitia quasi generationibus quindecim. Bernardi Vita S. Malachiæ, cap. 10. Pat. Lt. 182, 1086.

[1] Giraldus Cambrensis, de Rebus a se Gestis, Lib. 2. cap. 13. Rer. Brit. Brit. Med. Aev. Script. 21, 66.

[2] Pontoppidan, 1, 152.

[3] Ib. 1, 349.

[4] Ib. 1, 349.

[5] Alberici Compilatio Decretorum sub Colomanno Rege, c. 42. Peterffy, 1, P. 1, p. 50.

[6] Harduin, 6, P. 2, 1937.
Dlugossi Hist. Poloniæ, Lib. 6, T. 1, 575.

ing. The sons of priests frequently succeeded their fathers; benefices became hereditary, the property of the church was portioned among the sons of the clergy. In Ireland hereditary succession was the rule,[1] and as clerical marriage was usual in England, it probably prevailed there.[2] The words of the Council of Rouen (1189) indicate that the sons of priests were often ordained to the benefices of their fathers[3] and in Spain the king found it necessary to prohibit the same practice. In western Germany the clergy frequently portioned their sons from the property left in their care.[4] Lucius III, upon his accession to the papal chair (1181), stated that he found hereditary succession to benefices claimed as a right.[5] The thirty-first canon of the great Lateran Council held by Innocent III was directed against this custom, and the statement that the evil existed in many churches, coupled with the fact that this important assemblage considered that it demanded decisive action, proves that it must have been widespread.[6]

In the enforcement of celibacy, as in so many other particulars, Innocent III profited by the zeal and activity of his predecessors, and with the Papal power at its zenith, was able to approach

[1] See page 36.

[2] Con. Lond. (1237), c. 17. Harduin, 7, 297.

[3] Con. Rot. (1189), c. 6. Harduin, 6, P. 2, 1905.

[4] Ecclesiæ jure hereditario a filiis sacerdotum possidentur. . . . Conjugati sacros ordines capiunt et beneficia ecclesiastica et coniuges coniunguntur. . . . . Nec res, quas acquirunt post ordines, ecclesiis sed liberis suis relinquunt . . . . Emonis Chronicon, ann. 1219. Script. (M. G. H.) 23, 491. Menkonis Chronicon ann. 1271. Ib. 559.

[5] Sane relationis vestræ tenore comperimus pravam apud vos, sub prædecessorum vestrorum negligentia, consuetudinem introductam, quod filii eorum, qui vestras ecclesias tenuerunt, ut . . . patribus ab ipsis antecessoribus nostris confirmationem de obtinendis ecclesiis, consecuti, sub reprehensibili collusione volunt ipsas ecclesias jure successionis habere, et talium confirmationem obtentu aliqua pensione retenta, patres filios sibi constituere successores. Lucii III Ep. 88. In Pat. Lt. as Lucii II Ep. 94. T. 179, 931.

[6] Ad abolendam pessimam, quæ in plerisque inolevit ecclesiis corruptelam, firmiter prohibemus, ne canonicorum filii, maxime spurii, canonici fiant in sæcularibus ecclesiis, in quibus instituti sunt patres; . . . Con. Lat. 4, c. 31. Harduin, 7, 43.

nearer than hitherto the ideal toward which they had long been struggling. The impetus which his vigor and energy gave to the movement culminated within a generation after his death in the promulgation in the most remote parts of Roman Catholic Christendom of the law of celibacy. Councils were held in Norway,[1] Sweden,[2] Denmark [3] and Hungary [4] in which were enacted canons prohibiting marriage. As in the case of central and southwestern Europe, it cannot be positively determined whether or not they were obeyed; for the word concubine, generally used by contemporary historians and chroniclers, was then ambiguous, being applied indifferently to wives and to illicit consorts; but it is certain that Innocent's watchfulness put an end to open defiance of the law, although evasions of every sort were employed.[5]

One result of these later more vigorous efforts to enforce the canons was an increase of sexual crimes among the clergy. The contemporary chronicles and the writings of both the friends and enemies of the church show that many of its ministers were guilty of habitual crime and that many others were sunk in depravity. Concubinage, or common-law marriage, was the commonest offence, and the councils of the thirteenth century repeatedly enacted prohibitions against it.[6] The many references to the keeping of concubines so publicly as to cause scandal, makes it doubtful whether the clergy at large were so shameless as actually to keep mistresses openly, or whether these women had been secretly married to them. But the frequent mention of the fact that the woman was

[1] Pontoppidan, 1, 504.

[2] Innocentii III Regist. Lib., 16, Ep. 118. Pat. Lt., 216, 914. Con. Schen. (1248). Harduin, 7, 423.

[3] Pontopiddan, 1, 349. Con. Brem. (1266). Hartzheim, 4, 580.

[4] Synod. Pos. sub Carolo I. (1209), c. 5. Peterffy 1, P. 1, 140–141.

[5] For canon of the Lateran Council (1215), held by Innocent III, upon celibacy, see c. 14. Harduin, 7, 31.

[6] For thirteenth century. Con. Lon. (1200), c. 10. Harduin, 6, P. 2, 1961. Constit. Gallonis (1208), c. 1. Ib. 1975. Constit. Ricardi Poor Episc. (1217), c. 6. Harduin, 7, 90. Con. Germ. (1225), c. 1. Ib. 137. Con. Rot. (1231), c. 13. Ib. 186. Con. Lon. (1237), c. 16. Ib. 297. Con. Bit. (1246), c. 19, Ib., 410. Con. Bitur. (1286), c. 7. Ib. 952. Con. Rot. (1299), c. 1. Ib. 1202.

often maintained outside the dwellings of the ecclesiastics makes the former practice credible.[1]

This widespread disobedience among the clergy of the thirteenth century gave rise to many enactments directed against the consorts of ecclasiastics, whether wives or concubines, and against their children. The purpose of this legislation was to prevent the clergy from maintaining or enriching their female companions and children with church property, and also to make the condition of a priest's family so humiliating that women would be deterred from accepting such a position, and the clergy themselves from begetting offspring doomed to an ignominious social condition. Leo IX had enslaved the wives of the Roman clergy, recommending that all bishops do likewise, and Urban II had pursued the

[1] Inhibemus etiam districtius, ne clerici in sacris ordinibus constituti, etiamsi beneficiati non fuerint, in propriis domibus, vel in alienis, publice focarias habeant, unde scandalum oriatur, Con. Paris., (1212) c. 4. Harduin, 6, P. 2, 2001. Addentes, ne clerici beneficiati, vel in sacris ordinibus constituti, in hospitiis suis tenere publice concubinas præsumant, nec alibi cum scandalo accessum habeant a easdem. Con. Oxon., (1222), c. 34. Harduin, 7, 122. See further, Con. Col., (1260), c. 1. Ib. 518. Con. Vien (1267), c. 1. Ib. 581. Con. Sen., (1279), c. 1. Ib. 649. Con. Lon. (1268), c. 8. Ib. 621. Syn. Exon., (1287), c. 18. Ib. 1093. The wrath of the church authorities being particularly directed against the ecclesiastics who dared "*detinere publice concubinas*" seems almost like connivance with those who in their relations with women did not "*famam negligunt.*" See canons and references of above note; also, Con. Grad. (1296), c. 15, Mansi, 24, 1168. Synod. Col. (1280), c. 2. Harduin, 7, 821. Con. Her. (1287), c. 5. Ib. 1133. To disobey the canons forbidding marriage was always more reprehensible in the eyes of the church than to maintain a concubine. . . . et quod sacerdotes fiant mariti, multo esse gravius peccatum quam si plurimas domi meretrices alant . . . . Joannis Sleidani Comment. Lib. 4, p. 43, Basiliæ, 1556. And to maintain a concubine publicly was considered worse than to do so secretly; the reason being, of course, that continued public disobedience was a defiance of ecclesiastical authority which brought contempt upon the church. De cetero quia Stephanus clericus in archdiaconatu prædicti archiepiscopi adulteram in domo sua et commatrem dicitur detinere; si hoc publicum est et manifestum, ob tantum excessum, animadversione debita, nullius contradictione et appellatione obstante corrigas. Con. Lat. (1179), Mansi 20, 351. Lucius III made the usual distinction between open and secret offences. Mansi, 22, 442.

same course,[1] but the zeal of the reformers of the eleventh century was lacking in the church of the thirteenth century and the councils were contented with more humane measures. Edmund, Archbishop of Canterbury, decreed that the guilty women either marry or enter a nunnery.[2] They were forbidden to attend mass and the sacraments of the church were refused them.[3] The Council of Rouen commanded that their heads be shaved in the presence of the people on Sunday or some other solemn occasion.[4] Again, it was enacted that they be excommunicated and their excommunication publicly announced.[5] They were often forbidden to receive any of the property of the church by testament,[6] but the action of a German council shows this evil to have been almost ineradicable. This council enacted that all ecclesiastics leaving the fruits of their benefices to concubines or children, and any to whom such inheritances might descend, were to be refused Christian burial. Whoever aided in the preparation or execution of such a testament was, *ipse facto*, excommunicated, and as long as a benefice or income thus bequeathed was in the possession of such heirs, the church concerned was declared under interdict.[7]

In general, the church authorities opposed the succession of sons to the benefices of their fathers because of the danger that benefices so transferred become hereditary, and although canons and decretals varied as to legitimate sons, they were unanimous in excluding from holy orders illegitimate sons who had not become monks.[8] Clement III, however, contrary to all preceding regulations, expressly permitted the legitimate sons of Irish bishops to

[1] See pages 22, 32.

[2] Const. Prov. S. Edmundi Cant. Episc. c. 4. Harduin, 7, 268.

[3] Con. Oxon. (1222), c. 35. Ib. 122. Con. Lon. (1268), c. 8. Ib. 621.

[4] Con. Rot. (1231), c. 13. Ib. 186.

[5] Synod. Colon. (1280), c. 2. Ib. 821. Synod. Cic. (1289), c. 6. Ib. 1153.

[6] Con. Mog. (1261), c. 27. Mansi, 23, 1090. Con. Lan. (1278), c. 4. Mansi, 24, 213. Synod. Colon. (1280), c. 2. Harduin, 7, 821. Con. Mog. (1225), c. 5. Mansi, 23, 4. Hartzheim, 3, 589, 595.

[7] Con. Ger. (1225), c. 5. Harduin, 7, 138–139.

[8] Corp. Jur. Canon. Decretales Gregorii 9, Lib. 1, Tit. 17, cap. 1.

be ordained and to succeed to their fathers' benefices,[1] and allowed the ordination of illegitimate sons when a Papal dispensation had been obtained.[2] The fourth Lateran Council forbade illegitimate sons to officiate in their fathers' churches, declaring annulled the institution of all such in the paternal benefices.[3] The later canons of the thirteenth century were in agreement with this, and strictly forbade the succession of sons without distinction as to legality of birth. The decree was usually accompanied by the command that they receive no property from their fathers by testament. The clergy were commanded neither to keep their children in their own homes because of the scandal it would cause,[4] nor to be present at their marriages or funerals.[5] The Hungarian Council of Ofen (1279) enacted that the children of ecclesiastics should be the slaves of the church,[6] and in Germany the word, *pfaffenkind*, was synonymous with bastard, and German law fixed the same weregeld for both.[7]

[1] Ib. cap. 12.

[2] Ib. cap. 14.

[3] Ib. cap. 16.

[4] Con. Bud. (1279), c. 26. Harduin, 7, 798. Con. Lan. (1278), c. 14. Mansi, 24, 213. Con. Bit. (1286), c. 8. Ib. 952.

[5] Syn. Colon. (1280), c. 2. Harduin, 7, 821.

[6] Hefele, Conciliengeschichte, 6, 192.

[7] Sachsenspiegel, Drittes Buch, A. 45. But these unlucky individuals who were thus despised by their fellow men, and, at times, persecuted by the church, were not without defenders. Their own innocence and the injustice of the treatment to which they were subjected was proved by a long array of those arguments which were dear to the heart of the mediæval man. It was urged that the frequent use in the New Testament of the words, "our father," showed that all Christians were brothers; that by baptism they had been made one body, heirs of God, a chosen, holy race, and that consequently the sons of clerks could not be excluded from the priesthood. It was noted that the children of priests had been famous and honorable; examples being John the Baptist who was a son of Zacharias, and the Virgin Mary who was a descendant of Aaron. In the genealogy of Christ himself were mentioned four women, so that it might be made known that the Saviour of sinners did not disdain to be born of woman. Solomon, an illegitimate son, was allowed to build the temple, which honor was denied to David, although he was of legitimate birth. d'Achery, Spicelegium. 3, 448–449. Libelli de Lite (M. G. H.) 3, 649 sq.

Aside from concubinage, or common-law marriage, which all this legislation shows to have been common, the clergy were guilty of much more serious crimes. The constitutions of Gallo, Papal legate in Germany, ordain that priests shall not dwell in the same houses with their mothers or other female relatives.[1] In order that there might be no suspicion of illicit relations, another German synod forbade priests to dwell with their mothers, sisters, or aunts, and similar provisions indicative of depravity are to be found in the enactments of other councils.[2] Such offences were probably unusual, however, although these and similar enactments, combined with other evidence, for example, the sweeping denunciation of Alexander IV, prove that in the thirteenth century, many of the clergy was morally degraded.[3]

[1] Moneantur quoque, ne matres vel uxores, aliasque conjunctas personas secum habeant ; cum quibus etsi nihil sævi criminis fœdus naturale existimari permittat, tamen frequenter, suggerente diabolo, cum talibus noscitur fuisse facinus perpetratum. Const. Gallon. c. 1. Harduin, 6, P. 2, 1975.

[2] Stat. Synod. Eccles. Nem. c. 5. Martene, Thesaurus Anecdotorum, 4, 1044, 1102. Eadmeri Hist. Nov. Lib. 4. Rev. Brit. Med. Aev. Script. 81, 213. Poems of Walter Mapes, 156–157. Matt. Paris. Chron. Maj. Rer. Brit. Med. Aev. Script. 57, Pt. 3, 430–431. Stat. Ecc. Col. (1260), Hartzheim, 3, 589. Con. Oxon. (1222) c. 34. Harduin, 7, 122. Con. Rot. (1231), c. 13. Ib. 186. Con. Prov. Fitzlar. (1246.) Hartzheim, 3, 574. Con. Mog. (1261), c. 27, 39. Ib. 604, 606–607. Con. Lon. (1168), c. 8. Harduin, 7, 621. Con. Bit. c. 7. Ib. 952.

[3] Sed ecce Lethalis incuriæ sopor pastoralis vitæ vigilantium, quod gementes dicimus, opressise videtur in plurimis, prout testatur nimia de plerisque regionibus ; clamans christiani populi correptela, quæ cum deberet ex sacerdotalis antidoti curari medelis, invalescit, proh dolor, ex malorum contagione, quod procedit a clero, ita ut alicubi verum sit, quod ex Prophetica querela testatur ; Factus est inquiens, sicut populus sic sacerdos. Malitiam namque dierum labentium, quæ cum tempore corrupit et mores, dante quam plurimis ex impunitate audacia semper in deteriora proclivem infrenis licentiæ libertatem, nonulli clerici præcipiti lubricæ voluptatis arbitrio laxas committentes habentem, post carnis suæ concupiscentias abierunt et relegata pœne penitus a conversatione vitæ suæ clericalis mundiciæ, honestate, tenent etiam in conspectu populi concubinas, cum quibus impudicæ, frontis irreverentiam induens fœdas manus et fœtidas, quas sordidis libidinose coninquinationis fœtibus immiserunt, non erubescunt in suum periculum, et ruinam populi sacris ministeriis immisceri, a quibus ob publici concubinatus insaniam quæ nulla tergiversatione sceleris, vel secundum scita canonum, tam quoad se quam ad alios sunt suspensi, et ne quis

Under Boniface VIII the legislation concerning celibacy was completed for the time being. He forbade the admission to minor orders of men who did not intend to proceed to major orders, which tended to prevent marriage in the former,[1] and mitigated the severity shown to clerks of the minor orders by securing to them the canonical privileges of the clergy so long as they wore the tonsure and clerical vestments.[2]

The history of the fourteenth century is a repetition of that of the thirteenth, repeated legislation, open or secret disobedience, illicit indulgence, unspeakable crimes. If the descriptions of the clergy upon which we must depend for information had proceeded from the enemies of the church, their authors might be liable to the charge of wilful exaggeration. But the fact that men of unquestioned orthodoxy and undoubted loyalty concur in their judgements of the morals of the hierarchy renders their testimony unimpeachable. When John Ruysbroch[3] of the Netherlands, Matthew of Cracow,[4] Benedict XII,[5] and many others unani-

talium Missam audire præsumat, arctius in eorum contemptum Canonicæ auctoritatis constitutio interdicit. Chron. Aug. Ep. Alex. 4. Freher et Struve 1, 546.

[1] Corp. Jur. Canon. Sexti Decretales, Lib. 1, Tit. 9, cap. 4.

[2] Ib. Lib. 3, Tit. 2, cap. 1. Boniface VIII summed up in final form the rules concerning the effect of vows in preventing marriage. . . . præsentis declarandum duximus oraculo sanctionis, illud solum votum debere dici solenne, quantum ad post contractum matrimonium dirimendum, quod solennisatum fuerit per susceptionem sacri ordinis, aut per professionem expressam vel tacitam, factam alicui de religionibus per sedem apostolicam approbatis. Reliqua vero vota, etsi quandoque matrimonium impediant contrahendum, et quanto manifestius sunt emissa, tanto propter plurimum scandalum et exemplum durior pœnitentia transgressoribus debeatur, non tamen rescindere possunt matrimonia post contracta. Ib. Lib. 3, Tit. 15, cap. un.

[3] Quam vero probosum ac detestandum est quosdam ex rebus ecclesiasticis victitantes, quos anima et corpore castos esse oportebat, palam domi suæ proles ex se genitas alere ac sustentare, atque inde tamen non solum nullo rubore affici, nullo pudore suffundi, sed etiam multum placere sibi, perinde ac si ex legitimis eas uxoribus, susceperint. Joannis Rusbrochii Opera, p. 150.

[4] Concubinatus in clerico publice et solemniter exercetur, Matthaei de Cracovia Episc. Vorm. de Squal. Rom. Cur. cap. 2. Mon. Med. Aev. Walchi, T. 5, 8.

[5] . . . in Hispania, ubi multa bona et salubria ordinavit, constitutionesque

mously declare that the clergy maintained illicit relations with women, there is no reason to doubt their assertion, particularly as contemporary denials of it do not appear.

The fifteenth century not only saw no improvement in ecclesiastical morality, but witnessed the failure to make reforms of the agency from which the best results were expected, a General Council. That the efforts of the Council of Constance were fruitless was not due to any lack of consciousness of the needs of the church, but to jealousies which had their source in national antagonism, politics and conflicting privileges of the orders of the hierarchy. Moreover as it was the very members of the council themselves who most needed reformation, there was little likelihood that vigorous and efficient measures would be adopted.

The many sermons and addresses delivered at the council by churchmen from all parts of Europe deserve some credence as a picture of the clergy of that time. As in all periods since the canons had rendered them incapable of contracting a legal marriage, they dwelt with women to whom they were bound by every marital tie save that of a formal marriage ceremony.[1] The effect of this practice upon their congregations was most pernicious, for it accustomed them to evil with the invariable result.[2] Other crimes were common, and the earnest churchmen bent upon reform

fecit quam plurimas, præsertim contra concubinarios ecclesiasticos, qui protunc erant in illis partibus infiniti. Vitæ Paparum Aven. Baluzius, Prima Vita Benedicti 12, T. 1, 204.

Litteræ Benedicti 12. Miscellan. Baluzius, P. 264. Gersonis Opera, T. 2, Append.

[1] Et maxime obviandum esset illi scandalosissimæ consuetudini, seu potius corruptelæ, qua plures hodie non verentur tenere publice concubinas. Petri de Alliaco Card. Cam. Tract. de Reformatione. Gersonis Opera, 2, Append. 913. Crimen præfatum (concubinage) in multis locis cum maximo catholicorum scandalo, et in totius clericalis contemum ordinis frequentatur. von der Hardt, 1, P. 10, 635.

[2] Cum propter crimen concubinatus, quo multi Ecclesiastici et religiosi viri insciuntur, habeantur Ecclesia Dei et totus clerus in derisum, abominationem et opprobrium cunctis gentibus ; et illud nefandissimum scelus in Ecclesia Dei adeo invaluit, ut jam non credant christiani simplicem fornicationem esse peccatum mortale. Con Paris. (1429) c. 23. Mansi, 23, 1107.

were unsparing in their denunciations of their offending brethren.[1] Their misdeeds were so frequent and so unconcealed that the example set by them was generally accounted an evil influence upon their parishioners, and Nicholas of Clemangis reckoned non-residence a benefit to the people for this reason.[2] As in the past, ecclesiastical property was seriously impaired by the extravagances of luxurious living and the bestowal of dowries and inheritances.[3]

The moral condition of many of the clergy had long been so

[1] Nunc multo magis dici possunt, quia ecclesia a malisa ad peiora processiti et in omni tam spirituali quam temporali statu abiecto decore virtutum, in variam cecidit turpitudinem vitiorum. Auctoris Anon. Oratio. Mon. Med. Aev., Fasic. Sec. p. 155. Quæ est major exaggeratio peccatorum? Quis major cumulus delictor uno? Ubi major congeries scelerum quam in sacerdotibus? . . . Sic et nunc sacerdotes congregantur, nunc in adulteriis, fornicationibus, carnalibus mulierum amoribus, osculis amplexibus, concubinarum cohabitationibus, meretricum commerciis. Et ut abominabiliter loquor, in peccatis mollitiei, vel contra naturam. Sermo 2 de corrupto Eccles. statu. Hist. lit. Reformat. P. 3. p. 6. Sed quam flagitiosum sit in viris ecclesiasticis et maxime prelatis ad cultum viniæ Domini conductis enarare non est facile, neque ego quomodo illos describam, aut cui monstro comparem, scio. Mon. Med. Aev., Fasc. Tert. p. 108.

[2] Sed quid eorum tantopere a suis sedibus absentiam accusamus, cum per suam, si illic adessent, præsentiam verisimilius obesse quam prodesse possent? . . . qui suo turpi exemplo gregem per devia abducunt in præcipitium, . . . Nicolaus de Clemangis de Corrupto Ecclesiæ Statu. Fasciculus Rerum Expetendarum ac Fugiendarum. Orthuinus Gratius. T. 2, Appen. p. 562.

[3] Postremo, quicquid de bonis ecclesiæ cum turpibus personis consumunt sacerdotes et clerici. . . . Dionysius Carthusianus, Opera Minora. T. 1, art. 21, 409. Vilis plebs te sacerdotum nunc cachinnis atque ludibriis incessit, et odit qui columniandi ansam ultro præbueris. Dicit namque ; Tot hic aut ille scorta domi suæ ex patrimonio Crucifixi nutrit, quo non sordida scorta, sed pauperes Christi forent sustentandi. Fasc. Rer. Expet. ac Fug. fol 216. Quibus nunc, heu, non est aliud curæ nisi quomodo tollant portiones vel reditus, ut eos in pulchris equis et vestibus spendidis, lautis conviviis et continuis solatiis, ebrietatibus et ludis cum clientibus et mulieribus, nimis et occulatoribus, et O utinam non, cum scortis et meretricibus atque adulteris . . . expendant. . . . Hist. Lit. Reform. p. 3. Sermo 5. p. 31. Paul III complained that the clergy of all Christendom thus wasted ecclesiastical property. Con. Ang. Wilkins. 3, 605–606. See also Oratio Theobaldi Theologi. von der Hardt 1, Pt. 19, 908.

abhorrent to conscientious churchmen of pure lives, and so dangerous to those within the range of their influence, that the natural corrective was suggested by some ecclesiastics, and in some cases applied by the laity. In parts of western Europe clerical marriage was looked upon by them as a safeguard for the virtue of their wives and daughters, and as the only remedy for the flagitious lives of priests and prelates. In Spain the people compelled many of the clergy to take wives, and early in the sixteenth century the same practice prevailed in Switzerland.[1] The crime for which prevention was thus sought must have been common, if so ardent a defender of clerical celibacy as Gerson could be led by it to assert that it were better for marriage to be allowed than for the clergy to continue as they were.[2]

This and the other evil results of celibacy had been foreseen by St. Bernard of Clairvaux and the rule opposed by him on the ground that it would result in filling the church with all manner of un-

[1] Quia vero nonulli laicorum clericos compellunt, in sacris præcipue ordinibus constitutos, ut aliquas mulieres concubinas recipiant, et cum eis in contubernio publice vivant. . . . Con. Pal. (1322), c. 7. Mansi, 25, 703. Die Schonische Bauren hatten bereits am Ende des vorigen Seculi dieses unter andern als eine Ursache ihres Aufruhrs angegeben, dass kraft des ersten Verbots, einige Priester bei ihnen die Eheweiber fahren lassen, und funden sich genöthigt, beym Ertz-Bischoffen darauf zu insistieren, dass einem Priester sein eigen Weib zu haben erlaubt seyn mögte. Pontoppidan 1, 637. See Giannone, Apologia P. 2, T. 12, p. 358.

[2] Vel inexperti forte erant hi doctores quam generale et quam radicatum sit hoc malum, et quod deteriora flagitia circa uxores aut filias parochianorum et abominationes horrendæ in aliis provenerint apud multas patrias, rebus stantibus ut stant, si quærentur per tales censuras arceri. Scandalum certum magnum est apud parochianos curati ad concubinam ingressus, sed longe deterius si erga parochianas suas non servaverit castitatem. De Vita Spirit. Animæ, Lect. 4, Cor. 14. Opera Johannis de Gerson, P. 3. Strasbourg, 1494. Some idea of the extent of the evil may be obtained from the following extract. De luxuria etiam eorundem quid dicam? Cum ipsa jam facta impudicam Prælatorum ac sacerdotum vitam apertissime clament. Nulli enim parcunt statui aut sexui feminarum, et sive virgines sint, sive moniales, sive seculares, aut alterius conditionis, indifferente sunt ad omnes. Theoderici Vrie Historia Con. Const. von der Hardt 1, P. 1, 69.

cleanness.[1] The same argument had been used by his predecessors; for from the time of Paphnutius in the first quarter of the fourth century there had been a steady and, at times, powerful opposition to celibacy which continued to the time of the Council of Trent and proceeded, not from those who desired relief from its restrictions, but from ecclesiastics, both secular and regular, who were moved to resistance solely by the terrible consequences to clergy and people which it entailed. According to Peter Comestor, the devil had never circumvented the church so successfully as when the vow of celibacy was introduced.[2] Alexander III, horrified at the evil lives of the clergy and the danger in which it placed the church, advocated a return to the custom of the Greek Church, and his proposal was supported by all but one of the members of his Curia whose opposition resulted in its rejection.[3] Aeneas Sylvius, who became Pope Pius II, recommended the same course and had the concurrence of other churchmen therein.[4] Among them was the famous canonist, Nicholas Tudeschi, who argued that since the results of the law of celibacy had not been to produce a more spiritual and unworldly clergy, but on the contrary, one stained by illicit indulgence and the most grievous sins, it would be salutary for the church and in the interests of the salvation of souls, to decree that only those who desired to remain celibates should be allowed to take a vow of chastity.[5]

[1] Res tamen tam in aperto est, ut mirer quomodo unquam homini christiano persuaderi potuerit, nisi quod hi adeo aut bestiales sunt, ut non advertant, qualiter omni immunditiæ laxat habenas, qui nuptias damnat; . . . Tolle de ecclesia honorabile connubium et torum immaculatum (Heb. 13, 4), nonne reples eam concubinariis, incestuosis, seminifluis, mollibus, masculorum concubitoribus, et omni denique genere immundorum? Bernardi Sermones in Cantica. Ser. 66, §3. Pat. Lt. 183, 1095.

[2] Giraldus Cambrensis Gemma Ecclesiæ, Dist. 2, cap. 6. Rer. Brit. Med. Aev. Script. 21, P. 2, 187.

[3] Ib.

[4] Platina, De Vita Pii II., 329.

[5] Nicholas Tudeschi, Lectura. T. 3, Rubr. de cler. coniug., Super. canon cum olim. The opinion that the privilege of marriage should be extended to

The chief purpose of the Council of Basel was the reformation of these evils, but like the Council of Constance, it did nothing to make the existing legislation more effective, and simply passed anew the oft-repeated canons.[1]

During the half century immediately following the Council, and in the opening decades of the sixteenth century, clerical morality was at the lowest point to which it had yet sunk, if the testimony of contemporaries is to be believed.[2] As in the past

the clergy was not uncommon among men high in the service of the church. . . . prædictus ignis concupiscentiæ exardescens, Ecclesiam usque ad perditionem devorans . . . videretur pensandum an expediret, et posset provideri quod in Ecclesia occidentali quantum ad votum continentiæ orientali quantum ad promovendos, secundum dictum capitulum Nicena . . . Guilelmus Durandus, De modo celebrandi concilii generalis. Rubr. 46. Tractatus illustrium, etc. T. 13, 165. Item. circa concubinarios provideatur cum effectu, alias sic negligendo præstaret permittere coniugium clericis. Francisci Zabarellæ Card. Flor. Capita . . . de Reformatione, cap. 12. von der Hardt, P. 9, 524. Quamvis senio gravor, neque mentem habeo ad coniugium, sanctum tamen arbitror, uxores restituis sacerdotibus ; quia non est omnibus gratia Dei concessa, ut legi lumborum resistant, ut de Paulo legimus. Extract from a speech of the Cardinal of St. Peter at Basel. Milman, History of Latin Christianity, 7, 562. Alain de Chartier, Secretary of Charles VII of France, expressed himself thus concerning celibacy. Or fut il pieca fait ung nouuel statut en leglise latine qui desseura lordre du sanct mariage dauec la dignite de prestrise soubz couleur de purete et chaste sans souilleur ; maintenant court le statut de concubinage au contraire et les a attraitz aux estatz mondains et aux delictz sensuelz et corporelz. Les Oeuvres d'Alain Chartier, Le Curial, p. 88. Que apporte la constitution de non marier les prestres sinon tourner et euiter legitime generation pour conuertir en aduoultrie ; et lhoneste cohabitation dune seule epouse en multiplication de eschouldee luxure. Ib.

[1] Con. Basil. Sess. 20. Harduin, 8, 1194.

[2] Hinc quosdam religiosos et sacerdotes ac clericos in sacris ordinibus constitutos, videmus multo incorrigibiliores et obstinatiores, carnaliores quam laicis ac mundanis hominibus. Dionysius Carthusianus. Opera minora. T. 1, art. 18, 387. Porro quam multa atque enormia scelera, quam nocentissima scandala, quam lamentabilis ac deflenda deformatio et ruina nascantur ex cohabitatione mulierum cum sacerdotibus atque canonicis, experimentaliter et ad oculum innotescit, ita ut iam a capite usque ad pedes quasi nulla sit sanitas, sicut Osee propheta prædixit, Fornicatio et adulterium inundaverunt. Ib. art. 12, 461. See also art. 20, 21, 55, 408–409, 409–410, 503.

Divi Laurentii Justiani Opera, cap. 16, 499. Fasc. Rer. Expet. ac Fug. p. 386.

the priests were charged with corrupting the people both by example and by deliberate seduction.[1] The members of the hierarchy upon whom depended the maintenance of discipline were sometimes lax, and frequently, as had long been the custom, accepted bribes for allowing the priests to retain their wives or concubines.[2] According to Trithemius, so many priests lived openly with women to whom they were bound by licit or illicit ties that they were beginning to view marriage as their right; and he states that if any bishop had wished to enforce obedience in his diocese, he would have been deterred by the very multitude of offenders.[3] Those more enlightened and far-seeing among the clergy, who were able to interpret the signs of the times and saw that revolu-

[1] Sæpenumero enim compertum est, ut quum ita consecratis, præsertim sacerdotibus, per jura canonica legitimæ uxores sunt interdicti; quod dehinc pudicitiam matronarum, virginum, laicorum scilicet uxorum, filiarum sororumque attantant, ac noctu inter diuque sollicitant. Efficiunt quoque per assiduum ac indefessum laborem, partim muneribus, donis ac blanditiis, ut complures honestæ alioque virgines ac matronæ, partim etiam in secretis, quas vocant, confessionibus (id quod eventu ipso compertum est) diuturna opera labefactentur, ad peccata, offendiculaque commoveantur. Nec raro etiam evenit, ut ii, uxores ac filias, maritis patribusque detineant ac remorentur; minantes interim, gladio, acqua, ignive, ulteros repetitas uxores; Sacri Romani Imperii Principum ac Procerum Gravamina centum cap. 21. Goldast, Const. Imperiales, T. 1, 464.

Nulla sacerdotum luxu nunc casta puella est. . . Conradi Celtis Elegia Amorum, Vienna et Norimbergæ 1502, Fol. 30.

[2] Quod pralati, præsertim episcopi, innumeris atque magnis vitiis involvuntur, qui peccata subditorum suorum non satis acriter ac frequenter corripiunt et castigant. Dion Carthus. cap. 31, p. 391.

Jam illud obsecro quale est, quod plerisque in Diocesibus, rectores parochiarum ex certo et conducto cum suis Prælatis pretio, passim et publice concubinas tenent? Nichlaus de Clemangis, de Corrupt. Eccles. Stat. Fasc. Rer. Expet. et Fug. 2, 562. Quia vero in quibusdam regionibus nonulli jurisdictionem ecclesiasticam habentes, pecuniarios quæstus a concubinariis percipere non erubescunt, . . . Con. Basil. Sess. 20. Harduin, 8, 1194. For further statements of the existence of this custom, see Dion. Carthus. art. 19, 408. Synod. Regia (1507). Batthyani 1, 568. Synod. Strig. Prov. Peterffy 1, P. 1, 212. Joannis Sleidani Comment. Lib. 4, 462. Grav. centum Ger. nationis. (1522), Fasc. Rer. Expet. ac Fug. cap. 91. f. 187.

[3] Adeo vitium hoc incontinentiæ in clero iam prævaluit, ut quasi cœperit esse licitum, quia publicum est. Johannis Trithemii opera pia et spiritualia. Moguntiæ, 1604. Instit. Vitæ sacerdotalis, cap. 1, 769.

tion was coming, assign as one of its principal causes the flagitious lives of their depraved brethren.[1]

Their predictions were soon fulfilled, but as the revolution had its source in the doctrinal disputes originated by Luther, the question of celibacy was not at first given a prominent place. By the summer of 1520, however, Luther had formed his opinion concerning celibacy for the secular clergy, and although still acknowledging the legality of monastic vows, denied that the church had the authority to demand a vow of chastity from priests. The arguments against celibacy which he adduced were were those which had been used by its opponents for many centuries, namely, that celibacy was not enjoined by Christ, but was of human invention, and that it produced innumerable evil results.[2]

During the years 1521–1523 the parish priests of Germany, conscious that the danger of punishment by the old ecclesiastical

[1] Pico della Mirandola in a tract, which was addressed to Leo X and the Lateran Council held by him, declared that an intestine revolution could only be prevented by maintenance of discipline. He then proceeds: Luxum cohibe cuiuscunque ordinis, modum pone ambitione, compesce indormitos, et effrenatos libidinis obscœnæ furores, suspectis sacerdotum . . . contubernis frena constitue . . . Fasc. Rer. Expet. ac Fug. f. 209. See also Oratio habita in Synodo ab A. C. Lynnichano. Ib. f. 217. Jacobi Wimphelingii Apologia pro Rep. Christ. Argentinæ, 1505. cap. 11. Cardinal Campeggio, Papal legate to Germany, referred thus to the opinion of the Council of Ratisbon summoned by him in 1524. Paribus sententiis receptum fuit, hanc perditissimam hæresim rudi populo plausibilem ob libertam illi falso persuasam prætextu evangelicæ charitatis, non parvam habnisse occasionem, partim a perditis moribus et vita clericorum. . . . Const. ad removendos abusus per D. Laurentium Card., etc. Fasc. Rer. Expet. ac Fug. f. 211.

[2] My advice further is, whoever henceforth is ordained priest, he should in no wise take the vow of chastity, but should protest to the bishop that he has no authority to demand this vow, and that it is a devilish tyranny to demand it. Luther's Address to the German nobility. The Ninety-five Theses and Three Primary Works of Dr. Martin Luther. Wace and Buchheim, p. 60. This (celibacy) has been the cause of so much misery that it cannot be told, and has given occasion to the Greek church to separate from us, and has caused infinite disunion, sin, shame and scandal, like everything that the devil does or suggests. Now, what are we to do? My advice is to restore liberty, and to leave every man free to marry or not to marry. Ib. p. 59.

authorities was lessening, and sure of the approval of their congregations, began to marry.[1] From this time the practice of clerical marriage accompanied the spread of the Revolution, save in England, where it was not definitely established and legalized until 1559, about twenty-five years after the opening of the revolt there.

The great reforming Council of Trent completed the theory of sacerdotal celibacy by erecting it into a doctrine. The doctrinal canons concerning the sacrament of matrimony enacted by the twenty-fourth session of the Council (Nov., 1563) declare anathema all who assert that those in holy orders are capable of contracting a valid marriage. It also anathematized those who maintained that marriage was superior to virginity, or that it was not better and more blessed to remain a celibate than to be joined in wedlock.[2]

To cover with the opprobrium of heresy those who resisted the rule of celibacy, or refused to accept it as an article of faith, was the last resort in the attempt to enforce it.

The disciplinary canons were not more stringent or severe than those of the past. Ecclesiastics were prohibited from maintaining wives or other women, either at their own houses or elsewhere.[3] The offenders who did not reform after one admonition were to lose one third of the fruits of their benefices; if still disobedient, they were to be deprived of all ecclesiastical income and

[1] Spalatini Annales, 1521, 1522, 1523.

[2] Si quis dixerit, clericos in sacris ordinibus constitutos, vel regulares, castitatem solemniter professos, posse matrimonium contrahere, contractumque validum esse, non obstante lege ecclesiastica, vel voto; et oppositum nihil aliud esse, quam damnare matrimonium; posseque omnes contrahere matrimonium, qui non sentiunt se castitatis, etiamsi eam voverint, habere donum; anathema sit; . . . Con. Trident. Sess. 24. c. 9. Harduin, 10, 148.

Si quis dixerit, statum conjugalem anteponendum esse statui virginitatis vel cælibatus; et non esse melius ac beatius manere in virginitate aut cælibatu quam jungi matrimonio; anathema sit. C. 10. Ib.

[3] . . . prohibet sancta synodus quibuscumque clericis, ne concubinas, aut alias mulieres, de quibus possit haberi suspicio, in domo, vel extra, detinere, aut cum iis ullam consuetudinem habere audeant; . . . Con. Trident. Sess. 25. Dec. de Ref. cap. 14. Harduin, 10, 186.

office until manifest reform warranted a dispensation. A relapse following upon these penalties was to be punished by irrevocable deprivation of benefice and honors, along with excommunication.[1] The illegitimate sons of ecclesiastics were forbidden to hold benefices in the same parishes with their fathers, and all so doing, who did not resign within three months and seek appointment elsewhere, were to be punished by loss of benefice.[2] These canons are the law of the Roman Catholic Church to-day.

[1] Ib.

[2] Ut paternæ incontinentiæ memoria a locis Deo consecratis, quos maxime puritas sanctitasque decet, longissime arceatur ; non liceat filiis clericorum, qui non ex legitimo nati sunt matrimonio, in ecclesiis, ubi eorum patres beneficium aliquod ecclesiasticum habent aut habuerunt, quodcumque etiam dissimile beneficium obtinere ; nec in dictis ecclesiis quoque modo ministrare, nec pensiones super fructibus beneficiorum, quæ parentes eorum obtinent, vel alias obtinuerunt, habere. Con. Trident. Sess. 25. Dec. de Ref. cap. 15. Harduin, 10, 187.

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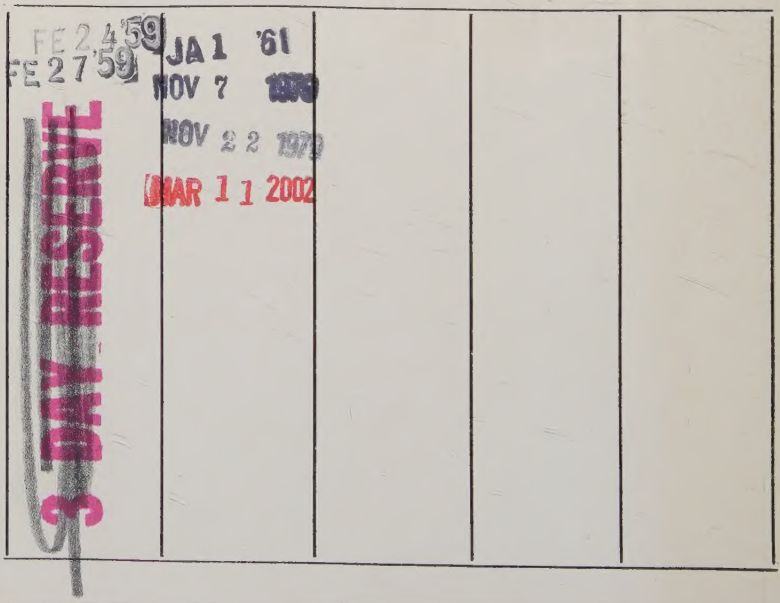

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